

SHRI G. M. BANATWALLA (Pon-nani): But we do not know what was given in writing to the Speaker.

MR. DEPUTY-SPEAKER: The proceedings will be available to you tomorrow.

12.52 hrs.

STATUTORY RESOLUTION RE. DIS-APPROVAL OF THE ESSENTIAL SERVICES MAINTENANCE (ASSAM) ORDINANCE, 1980

ESSENTIAL SERVICES MAINTEN-ANCE (ASSAM) BILL AND

STATUTORY RESOLUTION RE: AP-PROVAL OF NOTIFICATION ISSU-ED BY ASSAM GOVERNMENT DEC-LARING CERTAIN SERVICES AS ESSENTIAL—Contd.

MR. DEPUTY-SPEAKER: We now take up:

Further discussion of the following Resolution moved by Shri George Fernandes on the 3rd July, 1980, namely:—

“This House disapproves of the Essential Services Maintenance (Assam) Ordinance, 1980 (Ordinance No. 2 of 1980) promulgated by the President on the 6th April, 1980.”

Further Consideration of the following motion moved by Shri Yogendra Makwana on the 3rd July, 1980, namely:—

“That the Bill to provide for the maintenance of certain essential services and the normal life of the community in Assam, be taken into consideration.”

Further discussion of the following Resolution moved by Shri Yogendra

Makwana on the 3rd July, 1980, name-ly:—

“That in pursuance of sub-section (2) of section 2 of the Essential Services Maintenance (Assam) Ordinance, 1980 (No. 2 of 1980), this House approves the issue of Govern-ment of Assam, Political (A) De-partment, Notification No. PLA-334/80/7, dated the 7th April, 1980, declaring the services in connection with the production, supply and dis-tribution of water and electricity including the services under the Assam State Electricity Board con-stituted under the Electricity (Sup-ply) Act, 1948, to be essential ser-vices for the purposes of the said Ordinance.”

SHRI C. T. DHANDAPANI: Please complete your speech in two minutes.

SHRI C. T. DHANDAPANI (Pol-lachi): While I was supporting the Bill yesterday, some of the hon. Mem-bers were trying to teach me what trade unionism is. We support this Bill because special circumstances are prevailing in Assam, and so Govern-ment thinks that it is necessary to make some law to prevent certain activities in that State. At the same time, I want to place before the House certain facts about the trade-union activities of other friends.

In Tamil Nadu some two years ago the State Government promulgated an ordinance banning strikes in 64 in-dustries, declaring them to be essen-tial services. If any employee went on strike, he would be put in jail for six months; if any trade union leader spoke in favour of a strike, he would be put in jail for one month, or with a fine of Rs. 1,000. That Bill was supported by many trade union lea-ders. As far as the DMK is concern-ed, we opposed the Bill and CPI also joined with us and we organised rallies and public meetings opposing the Bill because there was no extra-ordinary situation in Tamil Nadu which warranted this Bill. The partie which had supported that action taken

by the then Government in Tamil Nadu are now opposing this Bill even though they know fully well that in Assam, there are elements which are disturbing the entire area. Our Prime Minister is taking very keen interest in this matter to bring about a peaceful settlement. All political leaders were called for a meeting and we gave our opinions according to the information available with us. The solution to this problem should be found through peaceful negotiations. I also thank the Government for its initiative for arriving at an amicable settlement. With these words, I welcome and support this Bill on behalf of my party.

Thank you.

PROF. NARAIN CHAND PARASHAR (Hamirpur): I rise to support this Bill presented by Mr. Makwana to this House. Though it is not a pleasant measure, yet it has become very necessary in the context of events. The Assam agitation has defied all solutions so far and I have tried to analyse the situation from a non-political angle as well. In an interview published in one of the magazines by one of the Jnanpith award winners, Mr Birendra Bhattacharya, it has been stated that it is an upsurge of Assamese society and that the movement should be viewed from swadeshi angle rather than from the 'sons of the soil' angle. I find little in evidence for this statement. On the other hand, a book by a learned Professor, Mr. Myron Weiner, entitled 'Sons of the Soil, migration and ethnic conflict in India' has one of the chapters entitled 'When migrants succeed, and natives failed—Assam and its migrants'. This is a sharp pointer to what is happening in Assam today. We are witnessing that this region is cut off from the rest of the motherland by all possible communication links. For three days, life in Assam and other neighbouring regions would be cut off from the national mainstream and it is a painful fact of life and it is not clear as to what this movement now claims to achieve and

how it claims to achieve that. When the Prime Minister has been offering all types of negotiations, she has gone to the extent of saying that she will welcome all solutions, which guarantee the safety of minorities and security of life and property, I fail to understand what stands in the way of the leaders of the movement viz. AASU and Assam Gana Sangram Parishad to come to the negotiating table. Even their demand that 1951 should be the base year for the identification of foreign nationals has to be viewed in the proper context. When the Prime Minister, Shrimati Indira Gandhi has stated that she would like to start the work with 1971 as the beginning for this process and if need be, they can go back, it is clear to everybody that she is not rigid, she is not following a rigid approach and she is willing to accommodate all points of view, the leaders of the movement in one breath say that all the political parties are irrelevant to them, in another they say that they get inspiration from Gandhiji's idea of Swadeshi. But as Mr. Bhattacharya himself says, even those people whom they term as foreigners and whom they want to deprive of their Constitutional rights, have the human rights, and it is the human angle that has been hit hard, that has been hit the most, by the Assam agitation.

13 hrs.

According to one estimate, it is a loss of Rs. 10 crores per day; it is an economic loss; it is a severe blow to the economic life of the north-eastern region, as also to the national economy. But, apart from that, what has happened is that the trains have been blocked. The students have lost one precious year of their life, and they will lose another year. The Assamese will go behind the rest of the country; when the other States will march forward, Assam will lag behind. And this movement, which appears to be nourished, sustained and maintained by the urban elite, has hit hard the life of the poor man and hit hard those who are living in the interior. Our

[Prof. Narain Chand Parashar]

friends from the north-eastern States have reported in this House that even telegrams are not delivered even mail is not allowed to be delivered, and in every section there is a well-planned move to deprive the weaker sections of the society of the fruits of civilized society. Therefore, it is high time that these leaders realised the harm that they are doing to the national life and to the region which they themselves claim to support; that region is also under constant strain; that is not insignificant.

On 12th June, according to the *Statesman*, a representative group of the All India Committee for the Protection of Bengalis and other Minorities of the North-Eastern Region, called upon the Prime Minister here and submitted a Memorandum stating some of the difficulties which they are suffering; they have also highlighted the unvoiced feelings and protest from all parts of the north-eastern region which may not reach the Capital. Being a man from hill areas myself, I can very well realise the consequences of disruption in communications. But the Assam movement has done precisely that which it claims, it does not want to be done.

Yesterday Mr. George Fernandes came down with a very heavy hand on this Bill. He saw an element of fascism in the Bill. But may I remind him that he is the Deputy Leader of the Party or a remnant of that Party or a fragment of that Party which imposed the President's Rule on Assam. It was not Prime Minister Shrimati Indira Gandhi or her Government, but it was the Government of Choudhuri Charan Singh, supported by Mr. George Fernandes, that clamped President's rule on Assam on the 16th December, 1979. Had he been that democratic, he should have seen to it that the Assembly there was not suspended. Mr. J. N. Hazarika, even now maintains, is ludicrous enough to say, that he is

still the Chief Minister of Assam and that, as soon as the Assembly's suspension is revoked, he would be made the Chief Minister of Assam again. A very good idea for him to harbour and nourish, but he should also look to the sufferings which have been imposed on the people of Assam.

I would like to understand as to what is the attitude of our friends on the other side to this problem because Mr. George Fernandes visited Shillong on 17th June this year and flourished, brandished, the idea of non-Congress-I solution to the problem. He talked with Mr. Jyoti Basu, Chief Minister of West Bengal, and tried to form a non-Congress-I Negotiating Committee to solve this problem, whereas the persons who are launching the agitation declare all political parties to be irrelevant; he tries to divide the political parties into Congress-I and non-Congress-I parties. But Mr. Jyoti Basu declined the invitation, he declined to join the negotiations, he declined to be even a member of that party. So, what I plead with him is this. The interests of the weaker sections in Assam, the interests of the common man in Assam, the interests of the students in Assam and the interests of every peace-loving citizen living in that part of the country demand that there should be an immediate solution to the problem and that the approach should be flexible. It should not be rigid.

Now, so far as the demand for the cut-off year as 1951 is concerned, this is a most unreasonable demand, in the sense that you cannot say that from this point onwards you start. If the Prime Minister is willing to have the process negotiated from 1971 onwards and she is willing to go to any length, what objection can these friends have? What objection can the people of Assam who are feeding this agitation have towards this approach? If I find that there is only an unreasonable attitude on

their part, I suspect that there is more to it than meets the eye.

My friends on the other side including Mr. George Fernandes should remember one thing—that by trying to exploit this situation in Assam for political purposes and trying to isolate the Congress(I), they are doing a great harm to the nation and one cannot believe them as that great Urdu poet, Nazrul Islam has said:

नजर उन की जुबां उन की में किस को
मातबर समझूँ ।

नजर कुछ और कहती है जुबां कुछ और
कहती है । ।

When they speak in Delhi, the voice is different and when they speak in Shillong, their voice is something else. Which should we take it as the real one?

SHRI GEORGE FERNANDES (Muzaffarpur): There is no difference in my voice. It is the same.

PROF. NARAIN CHAND PARASHAR: I mean his political voice, not the human voice.

SHRI GEORGE FERNANDES: I know a little of English.

PROF. NARAIN CHAND PARASHAR: That part should be made clear. When you decry this measure, you should also realise that there are people who are suffering there because the government is not acting with enough firmness and we have the suspicion—the members of this side—that even this measure will not be sufficient because there are elements in the administration which will make it difficult for the life of the common citizen to run its normal course. Therefore, I suggest that this measure should be adopted by the House and I oppose the resolution brought forward by Mr. George Fernandes. I also request the Home Minister that they should act in a way that not only this measure is adopted and enforced but also some other committees are set up, committees of

non-official members, committees of people who command respect are set up so that the normal life in Assam is restored and that the leaders of this movement join at the negotiating table and assure the nation that the movement is not against the integrity of the nation, that it is not anti-national, that it is not secessionist and the government should act and all sane elements in this country, in political life or otherwise, should rise to the occasion and act in firmness so that these elements are isolated once for all, and, if there is any foreign hand behind this, let the Minister expose it so that the nation may know who is pulling the wires from behind.

With these words, I support the measure with a heavy heart. I suppose that the Home Minister will act in such a manner that the weakest man in Assam, that the man with a tear in his eye will know that Delhi has not failed him, that when the people of other Parties are revelling in dirty politics and are trying to exploit it for their political ends, the national leaders here and Shrimati Indira Gandhi have not let down the weakest man in Assam, the poorest man is Assam.

With these words, I support the Bill.

श्री मन्बर शर्मा (जबलपुर): उपाध्यक्ष महोदय, आसाम की स्थिति अब ऐसे हाथों में पहुँच चुकी है जहाँ संभवतः समझौता होना संभव नहीं है। पहले विद्यार्थियों का हाथ था। विद्यार्थी तो समझौते के लिए राजी होते हैं लेकिन नेता उस में बाधा उपस्थित कर रहे हैं और राजनीतिक कारणों से अब समझौता होना संभव नहीं प्रतीत होता। यदि 1951 की उनकी मांग मान ली जाय तो आसाम की दो तिहाई जनता को आसाम से बाहर जाने के लिए मजबूर होने पड़ेगा क्यों कि उस फारमूले के अनुसार एक तिहाई आबादी के लोग, वहाँ की जनता वहाँ रह सकेगी। ऐसी स्थिति में वहाँ की जनता की क्या हालत होगी, किन दुर्बलाओं का सामना करना पड़ेगा, इस का अन्दाजा बही लगाया जा सकता है।

[श्री मन्वर जना]

पूर्वांचल में मिजोरम, त्रिपुरा, मणिपुर, नागालैंड, आसाम, मेघालय और अरुणाचल मिला कर सात छोटे-छोटे राज्य हैं। लेकिन आज अरुणाचल को छोड़ कर शेष छः राज्यों में लगभग एक ही प्रकार की स्थिति उत्पन्न हो गई है। जो मांग आसाम की हो रही है अन्य राज्यों में भी वैसी ही मांग होने लगी है। इस प्रकार से यदि एक राज्य की मांग मानी जाती है तो न केवल अन्य छः राज्यों की मांग भी माननी पड़ेगी बल्कि देश के शेष राज्यों में भी यही मांग उत्पन्न हो सकती है और विदेशियों की परिभाषा वहां भी हमें निर्धारित करनी पड़ सकती है। न केवल असम बल्कि बिहार से और उत्तर प्रदेश से अन्य राज्यों के व्यक्तियों को जाना पड़ेगा। मध्य प्रदेश तथा अन्य राज्यों से भी बाहरी लोगों को जाना पड़ सकता है। इस प्रकार से सारे देश का जीवन अस्त-व्यस्त हो सकता है। मिजोरम और नागालैंड में सातों राज्यों को मिलाकर एक स्वतन्त्र राज्य बनाने की मांग की जा रही है। नागालैंड को आई-जक सुने और बाम हविया पूर्वांचल के सात राज्यों को मिलाकर एक स्वतंत्र राष्ट्र के निर्माण की पुरजोर मांग कर रहे हैं। मिजोरम के लालडिंगा से, मिजोस से केन्द्रीय सरकार बात कर रही है लेकिन हम अच्छी तरह से जानते हैं कि मिजो नेशनल फ्रंट के लोगों ने लालडिंगा की भर्त्सना की है और बातचीत करने से भी अपने को दूर रखना चाहते हैं। हम जानते हैं कि लाहसा में ऐसे व्यक्तियों को प्रशिक्षण दिया जा रहा है कि गोरिल्ला वार किस प्रकार से की जा सकती है अतः आने वाले दिनों में क्या स्थिति होने वाली है उसका आभास हमें मिल जाता है।

हम देख रहे हैं कि असम का जीवन अस्त-व्यस्त है, वहां पर अराजकता फैली हुई है और सार्वजनिक जीवन का सारा कार्य ठप्प हो गया है। ऐसी स्थिति में जो बिल इस सदन के सामने लाया गया है जिसके द्वारा संरक्षण के उपाय सोचे जा रहे हैं, में समझता हूँ यह एक बहुत ही उपयोगी और ठीक कदम है। आज से 8 महीने पहले ही यह आग सूलग चुकी थी लेकिन उस समय जनता शासन ने इस समस्या के समक्ष घुटने टेके दिए, उस समय कोई उपयुक्त कदम नहीं उठाए गए। यदि शुरू में ही समुचित कदम उठा लिए गए होते

तो आज इस प्रकार की स्थिति नहीं होती। 8 महीने पहले ही जहां-तहां पोस्टर चिपकाये गये थे और उससे स्थिति का भान हो चुका था लेकिन उस समय कोई भी समुचित कदम नहीं उठाए गए। क्या यह सच नहीं है कि श्री जार्ज फर्नान्डीस के मित्र निवारण बोरा उसमें सम्मिलित हैं इसलिए कहा जा रहा है कि इसमें विदेशियों का हाथ नहीं है? क्या यह सच नहीं है कि एम.आर.ए. के संयोजक श्री राज मोहन गांधी ने अपने अखबार 'हिम्मत' में, जो वे बम्बई से निकालते हैं, लिखा है कि वसुधैव कुटुम्बकम् के भावों से नहीं मिलते हैं बल्कि जापानियों से मिलते हैं? हम जानते हैं एम.आर.ए. संस्था क्या है और अमरीका से उसके क्या सम्बन्ध हैं। क्या यह बात सच नहीं है कि श्रीमती गांधी जब विजयी हुईं तो अमरीकी शासकों ने सिर पटकने शुरू कर दिए और यह समझ लिया कि श्रीमती इन्दिरा गांधी के आने के बाद अब उनके मन की बातें इन देशों में नहीं चल सकेंगी। यह सारी बातें क्या बताती हैं? एम.आर.ए. और सी.आई.ए. के लोग समझते हैं कि इस प्रकार के उपद्रव खड़े कर के श्रीमती गांधी के शासन को संकट में डाला जा सकता है। लेकिन आश्चर्य तब होता है जब अरुण्ड भारत की मांग करने वाले श्री अटल बिहारी वाजपेयी समझते हैं कि भारत के खण्ड-खण्ड करके अरुण्ड भारत का उनका दिवास्वप्न पूरा हो सकेगा।

जनता शासन के समय में मध्य प्रदेश में एक मिनी मीसा लागू किया गया था, उस समय केन्द्र में भी जनता पार्टी का शासन था और मध्य प्रदेश में भी जनता पार्टी का शासन था परन्तु उस समय इन नेताओं ने कोई आवाज नहीं उठाई थी। क्या उस समय मध्य प्रदेश में पूर्वांचल के समान स्थिति पैदा हो गई थी? क्या उस समय देश खण्डित होने जा रहा था? क्या मध्य प्रदेश में इस प्रकार का उपद्रव हो रहा था? नहीं, फिर भी वहां पर उसकी आवश्यकता महसूस हो रही थी। कल यहां पर इमर्जेंसी की बात कही गई कि इमर्जेंसी के रास्ते पर यह पहला कदम है। मैं तो समझता हूँ विरोधी दल के नेताओं को बुझा होना चाहिए, शायद उन्हें मिठाई बांटनी चाहिए क्योंकि इमर्जेंसी के बाद ही वे सत्ता में आये थे और अगर यह सरकार इमर्जेंसी के रास्ते पर चलने जा रही है तो उनके अच्छे

दिन बाने वाले हैं। लेकिन मैं निवेदन करना चाहता हूँ कि इमर्जेंसी के समय जिस प्रकार से विरोधी दल के कुछ नेता विदेश चले गए थे, कुछ लोग कलकत्ता में नाकरी करके छिपकर बैठे हुए थे और कुछ नेताओं ने जेलों से कलक्टर और एस पी को माफी नामे भर कर दे दिए थे, उस प्रकार की बहादुरी वे इस बार नहीं दिखायेंगे।

जो बिल यहां पर पेश किया गया है उस को, जो विघटनवादी काम यहां पर चल रहे हैं उनको देखते हुए, स्वीकृति मिलनी चाहिए। अगर इसको स्वीकार नहीं किया जाता है तो सारे देश में अस्त-व्यस्तता आ जायेगी। विरोधी भाइयों से यह कहना चाहता हूँ कि जिस प्रकार से रोम में आग लगी थी और नीरो वहां चीन की बंसी बजाते थे, ठीक उसी प्रकार से असम और त्रिपुरा में व पूरे पूर्वांचल में जब आग लगी है और देश की एकता खण्डित होने वाली है। उस समय क्या राष्ट्रपति महादेय अथवा गृह मंत्री या केन्द्रीय शासन को चीन की बंसी बजानी चाहिए? क्या यह उचित सलाह है?

इस सिलसिले में परामर्श देना चाहता हूँ कि इस आन्दोलन को दृढ़ता के साथ दबाया जाए, लेकिन इसके साथ ही मैं विनमता-पूर्वक सुझाव देना चाहता हूँ कि संवेदनशीलता और उदारता का भी परिचय देना चाहिये। क्या यह सही नहीं है कि चाय असम में होता है, लेकिन उसका हेड-आफिस कलकत्ता में है, असम में तेल होता है, लेकिन शोध कारखाना बरौनी में है, जूट का काम असम में होता है, लेकिन उनका हेड आफिस कलकत्ता में है। इसी प्रकार असमियों के साथ, वहां के निवासियों के साथ, वहां के आदिवासियों के साथ जमीन को लेकर, सूद के बदले जमीन छीनकर जो कुछ अन्याय हुआ है, जो उनका शोषण हुआ है, उसके लिए हमें सतर्क होना चाहिए। भविष्य में कुछ ऐसी योजनायें बनानी चाहिए, जिससे वास्तव में उनका शोषण न हो सके। प्रगति के क्षेत्र में भी नए-नए छोटो-बड़े उद्योग वहां पर कायम करने की ओर ध्यान देना चाहिए, ताकि वहां के लोग आश्वस्त हों कि उन लोगों की प्रगति हो रही है।

मैं बंगाली भाइयों से विनमता के साथ निवेदन करना चाहता हूँ कि वे जहां कहीं भी जाते हैं, मुझे इस बात को कहने के लिए वे क्षमा करें, इस प्रकार से अपने भाषिमियों की भरना शुरू कर देते हैं, कि उस से किसी भी प्रान्त में संदेह पैदा हो जाता है। उन्हें उनके साथ संवेदनशीलता के साथ, भाईचारे के साथ, स्थानीय लोगों को उन पदों पर उचित स्थान देकर उनके साथ उचित व्यवहार करना चाहिए।

अन्त में मैं इतना ही कहूंगा कि संदेह का धुआं उठाना और नफरत की रोटी सेंकना भी बन्द करना चाहिए, नहीं तो वास्तव में यह भारत खंडित होगा और यह कोई छोटी घटना नहीं है। इन शब्दों के साथ मैं इस बिल का समर्थन करता हूँ।

*SHRI R. K. MHALGI (Thane):
Mr. Deputy Speaker, Sir, I rise to extend my whole hearted support to the motion which disapproves the Ordinance being discussed in the House. I also want to strongly oppose the Government's Essential Services Maintenance (Assam) Bill. The Bill has two aspects. Firstly, it is political and secondly, it has very much to do with the problems of the employees. It is from these angles that I would like to examine the Bill. For the last ten months the people of Assam have launched an agitation which cannot be crushed by repressive measures adopted by the police. The mass political agitation can be dealt with only through political negotiations. Instead of finding a suitable means to initiate negotiations, we merely go on discussing it in the Parliament. We are discussing a Bill which proposes to give more powers to the police. It is nothing but an instance of bankruptcy of political wisdom. It seeks to introduce measures which are not at all needed. We have also to consider as to what impact this Bill will have on the people and students of Assam. I feel sure that the recent decision regarding blockading of passenger-

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trains and air services clearly reflects that it was taken knowing full well that such a Bill going to be passed by the Parliament. In this context, let me point out, Sir, that if Assam agitation has to be resolved by negotiations, the Bill has to be withdrawn.

I would like to see this Bill from the employees' point of view also. If it is passed, it will only remain as a 'Black Bill' on the Statute Book. As it was pointed out yesterday, it is a Black Bill. Sir, I fully endorse this view. If we want to know why it is called as a Black Bill, we have to consider its provisions. The Bill discusses the meaning of Essential Services. It does not include an exhaustive list of essential services but enumerates which services should be considered as essential services. The powers of designating a service as an essential service have been delegated to the bureaucracy. It is improper to give all the powers to the bureaucracy and ignore the Parliament. The officers in Assam would decide as to which service is an essential service. When these officers enjoy such powers, they can even declare the strike by workers of sanitation department in Assam as illegal. It will be unjust to deprive the employees of their right to strike. The Britishers also did not object to the workers' strike because there was such a provision in Section 22, 23 and 24 of the Industrial Dispute Act, 1946. But today our own Government is taking objection to the right to strike of workers by totally ignoring provisions of Sections 22, 23 and 24 of the said Act.

Sir, the scope of definition of the term 'strike' has been further enhanced. If a worker decides not to accept over-time work owing to his ill-health, which may not permit him to work after the normal working hours, he will be presumed to be on strike. The strike will be declared illegal and he will even be arrested. The

police have not only been given powers to arrest an employee on strike but the employers can terminate the services of striking employees. Punishing an employee on strike is something different from terminating his services. But this cruel punishment can be given to the workers on strike. Such are the provisions of this Bill. Sir, this is an anti-labour Bill, totally against the interests of the workers. If anybody finances the employees on strike or the members of their families on humanitarian ground, he will be considered to be instigating and encouraging the strike and he will also be arrested. He will have to undergo a more severe punishment than the employee on strike. The worker on strike will be imprisoned for six months and fined rupees one thousand, whereas, a person giving financial assistance to the workers' family will be jailed for one year and fined Rs. 2000/-. We have to see under what circumstances we are passing this Bill and where it will ultimately take us. The Bill encourages the same line of thinking which was there at the time of the declaration of the Emergency in 1975. Sir, I feel that this Bill has taken the first step to impose legalised emergency in this country. The Government should, therefore, withdraw this Bill. If it is not withdrawn there will be a strong opposition, not only by the workers in Assam, but by all their counterparts in the country as a whole.

SHRI RAVINDRA VARMA (Bombay North): Mr. Deputy-Speaker, Sir, I rise to support the statutory resolution so ably moved by the right hon'ble gentleman from Muzaffarpur and to oppose the Bill the Hon'ble Minister for Home Affairs wants the House to take into consideration.

Sir, yesterday, many hon. Members opposite paid compliments to my hon. friend, Mr. George Fernandes, but none of them charged him with mincing words. He does not mince words. Therefore, he called a spade

a spade. No one can deny the need to maintain the essential services on which the life of the community depends. But we are not convinced that the most efficacious way of ensuring these essential services in a community is to brandish the big stick, suppress the legitimate rights of workers and citizens and to attempt to terrorise those whose services you want to ensure.

Sir, the Government has come before this House with a Bill to seek more powers. Undoubtedly it is a Bill that seeks more powers. Whenever a Government comes before the Parliament asking for enhancement of the powers of the executive, any Parliament in any democracy has to view the demands from any Government with a considerable degree of coolness and commensurate circumspection. I would therefore suggest to this Hon'ble House that we look at the merits of the Bill.

Sir, the Parliament has a right to ask, when it is asked to grant more powers to the executive. Are these powers really necessary? Secondly, are the powers conferred by the existing laws inadequate? Thirdly, will the acquisition of these additional powers by Government solve the problem? Fourthly, can the new law be enforced? Or will it be a dead letter on the Statute Book incapable of enforcement—a mockery, a panicky futile, repugnant exercise in mock deterrence?

Sir, the next question is: Can the Government be trusted with these additional powers? Is the power likely to be abused or misused? Are there adequate built-in safeguards against the abuse of these additional powers that they seek? Sir, I don't have time. I don't want to enter into each of these questions which some other Hon'ble Members, particularly Mr. George Fernandes, have dealt with in detail.

What then is the object of the Bill? My hon. friend, Mr. Sangma yesterday spoke with great emotion. I can understand his emotion, but I am afraid, in his emotion he overlooked the very object of the Bill. With great rhetoric he asked: "What is the working class and what is the connection of the Bill with the working class?" Perhaps he did not look at the Statement of Objects and the main clauses of the Bill. The object of the Bill is to pre-empt strikes, to prevent employees from going on strikes. And if employees are not workers, what are they?

If the intention of the Government was to deal with industrial relations, employer-employee relations, then there must be provisions in the Bill for the settlement of disputes; the Bill should have delineated the procedure and machinery for settlement of disputes, the judicial authority that would pronounce on legality and the penalties that would flow from illegalities. The Bill does not have any such reference; on the other hand, the Bill clearly states in Clause 10 that the purpose of the Bill is to over-ride the Industrial Disputes Act; not only the Industrial Disputes Act, but also the Criminal Procedure Code. The relevant sections of the Industrial Disputes Act as well as the Criminal Procedure Code provide safeguards to the citizens, impose some limitations on the powers of the Government; and the scheme of this Act, the objective of this Bill is to remove these limitations and, therefore, to suppress the safeguards in the procedures laid down in these Acts. The object of the Bill is to remove all restrictions and limitations and to seek limitless powers.

Now, clause 2(xiv) of this Bill under discussion extends coverage to any kind of employment, any kind of service, any kind of undertaking; everything comes under the net of that clause. It is meant to remove

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the limitation on coverage. Limitations imposed by the need to follow legal procedures for terming a strike illegal have been dispensed with by saying that any service can be declared essential and any stoppage of production or strike in any essential undertaking will be illegal. The limitation imposed by the need to obtain a warrant of arrest has been removed by clause 8 to which my hon. friend referred yesterday. The limitation imposed by the need to follow the process of law in a court of law is sought to be removed by making it obligatory to have summary trials; it is not even optional; the clause is not an enabling provision, but it renders the summary trial procedure obligatory. The limitation imposed by the need to back arrest with evidence has been removed by installing suspicion in the place of evidence. The attempt, therefore, is to remove all safeguards, to remove all limitations and to invest the Government with limitless, absolute powers.

The Bill is a political weapon to deter, to prevent, to terrorise. The scheme of penalties provided in the Bill provides further testimony to it. Clause 4, to which my hon. friend, Shri Mhalgi, referred, refers to dismissal as one of the means of disciplinary action. Clause 5 provides the penalty for participation in strikes, imprisonment for six months. Clause 6 and 7 refer to instigation and financial assistance, and provide for one year's imprisonment. Can anything be more pervasive. Can anything be more suffocative? Can anything be more patently based on a philosophy that believes that mass movements are to be dealt with absolute powers to create terror?

I raised the question whether this law can be enforced. We have had some experience. What happened to Section 144 and the curfew in Assam or many other parts of India where the Government have had to deal

with mass movements of the dimensions to which the Minister has referred in the Statement of Objects, and attempted to do so by the sheer use of terror.

The last question to which I referred is whether we could trust this Government with these powers—I repeat, this Government with these powers, and whether the powers are likely to be abused. This is not the first time that this ruling party comes before Parliament and asks for more powers. They have an unquenchable thirst for power, absolute power. They have come before this House earlier; we have had experience, bitter experience. And you, Sir, also have had experience of the consequences of this unquenchable thirst of the ruling party for absolute power. They made use of Parliament to abridge the fundamental rights, to abridge the independence of the Judiciary and to amend the statutes. In the light of that experience, is it unnatural for us, for any thinking man to entertain apprehensions about their intentions?

But the Bill is not a lone swallow; it is not a stray swallow. It is not an aberration as my hon. friend pointed out; it comes along with similar Bills in other States—similar Bills or Ordinances in Gujarat, Maharashtra, Karnataka etc. Therefore, it is clear that it is part of a pattern. And what is this pattern? This is a pattern that leads Governments into the mire of confrontation, that leads Governments to rely on terror to have themselves out of the quagmire of confrontation, a pattern that can be described in one word as authoritarian, despotic and as one fraught with danger to democracy, to the rights of the citizen and as something which will not help the Government to deal with the situation. Therefore, I oppose this black Bill, and I would appeal to the House to take into consideration the enormity of the powers

that are being claimed, the enormous possibility of abuse, the certainty of abuse in the light of the records of the party sitting opposite. Therefore, I would appeal to the House to pass the statutory resolution of my distinguished friend from Muzaffarpur and to reject the motion of the hon. Minister that the Bill be taken into consideration.

श्री जैनूज बख्तर (गाजीपुर): हमारे इस माननीय सदन में विरोधी पक्ष का रवैया बड़ा विचित्र है। जक्सर मैं देखता हूँ कि लोग बड़े हो जाते हैं और मांग करते हैं कि देश के कुछ भागों में डीजल, पेट्रोल, मिट्टी का तेल आदि नहीं मिल रहे हैं और ये वस्तुएं मिलनी चाहिये और इस विषय पर बहस होनी चाहिये। कभी वे इस बात पर लड़ने के लिए आमादा हो जाते हैं कि असम में आवश्यक वस्तुएं नहीं पहुंच रही हैं और इस पर बहस होनी चाहिये। लेकिन जब सारे देश में डीजल आदि की आपूर्ति के लिए और असम में जरूरी सामानों को पहुंचाने के लिए सरकार कोई मेजर ले कर आती है तो उसका भी वे विरोध करते हैं। उनकी मंशा क्या है? मैं समझता हूँ कि यही है कि इस देश में गड़बड़ होती रहे, लोगों को जरूरी सामान न मिले, असम में गड़बड़ी होती रहे तथा उसका फायदा उठा कर कांग्रेस सरकार को बदनाम करके फिर से चुनाव जीतने की कोशिश की जा सके। लेकिन हम कांग्रेस के लोग और हमारी सरकार, मुझे पूरी आशा है, उन्हें इस बात का मौका नहीं देंगे। उनके कारनामों को इस देश की जनता देख रही है, परख रही है।

उपाध्यक्ष महोदय, आज असम का मामला एक गंभीर रूप धारण कर चुका है। असम का मामला कोई मामूली मामला नहीं है। यह एक ऐसा मामला है जो इस देश को विघटित करने के लिए चलाया जा रहा है, जो इस देश का जो बनियादी कररेक्टर है, उसको समाप्त करने के लिए चलाया जा रहा है, जो साम्प्रदायिकता से भरा हुआ है और असम के अल्पसंख्यकों को असम से निकाल बाहर करना चाहता है। मुझे दुःख के साथ कहना पड़ता है कि असम के मामले को जितनी गम्भीरता के साथ लिया जाना चाहिये

था उतनी गम्भीरता के साथ नहीं लिया जा रहा है और इस बात की मुझे अपनी सरकार से भी शिकायत है। असम में आज जो घटनाएं हो रही हैं, उनको जिस प्रकार से देश के लोगों को बताया जाना चाहिये था, उस प्रकार से बताया नहीं जा रहा है। कल, परसों ही 2 तारीख के बख्तर में मैंने प्रधान मंत्री का एक वक्तव्य देखा, उन्होंने इस बात को माना है कि असम का मामला मूल रूप से साम्प्रदायिक है और इस साम्प्रदायिक मामले का प्रचार नहीं किया जा रहा है, जिसका प्रधान मंत्री को दुःख है।

असम का मूल मामला क्या है? यह मामला आज का नहीं है, 10-20 साल पहले का है जब कि असम में यह बात उठाई जा रही थी कि यहां मुसलमानों की आबादी बढ़ती जा रही है और थोड़े दिनों में असम एक मुस्लिम मैजोरिटी स्टेट बन जायेगा। इसके बारे में कई बार असम में छोटे-बड़े आन्दोलन हुए, लेकिन हुआ यह कि चैकिंग की गई और कुछ लोगों को बाहर निकाला गया, मुसलमानों को तंग और परेशान किया गया। यह 10,20 साल से होता आ रहा है, लेकिन उसी बात ने गंभीर रूप कब धारण किया, जब कि जनता पार्टी की सरकार शासन में आ गई। जनता पार्टी के शासन में कौन लोग थे असम में, वही लोग जो 10,20 साल से इस बात का प्रचार कर रहे थे और वह आर.एस.एस. के लोग थे और शासन में आने के बाद उन्होंने 10,20 साल से किये जा रहे प्रचार को कार्यरूप में स्थिर करना शुरू कर दिया। यह हवा फैलाई जाने लगी कि असम एक मुस्लिम बहुमत का सूबा बनने जा रहा है। यह आर्थिक बात जो आज सदन में उठाई जाती है, यह असम का मामला आर्थिक पिछड़ेपन का मामला है, यह बात नहीं है। इस देश में ऐसे बहुत से भाग हैं जो आर्थिक रूप से पिछड़े हुए हैं, कहीं कहीं तो असम से भी ज्यादा पिछड़े हुए हैं। लेकिन असली बात यह है कि यह केंद्रल दिक्का है। मूल बात यह है कि वहां असम के मुसलमानों के खिलाफ एक सोची-समझी साजिश की जा रही है और बाद में उसमें हमारे बंगाली बोलने वाले जो अल्पसंख्यक हैं, उनका भी इसमें शामिल कर लिया गया है। इस

तहसीलें असम का सारा मामला साम्प्रदायिक है और इससे अधिक इसमें कुछ नहीं है।

मैं आपको याद दिलाना चाहता हूँ कि यही आर.एस. एस. के लोग आज से 10, 15 साल पहले, बल्कि 5, 7 साल पहले पूरे देश में धीरे-धीरे इस बात का प्रोपेगैंडा कर रहे थे कि नसबन्दी तो केवल हिन्दुओं की ही रही है और मुसलमानों की आबादी तेजी से बढ़ती जा रही है। अगर इसी तरह उनकी आबादी बढ़ती रही तो 50 से 100 साल में पूरा देश मुस्लिम बहुमत का देश बन जायेगा। यह कौन लोग थे? कितनी विचित्र बात थी, क्या कभी इस बात की कल्पना की जा सकती है कि 11 प्रतिशत आबादी 100, 50 साल में 51 प्रतिशत में बदल जायेगी? ऐसा कभी नहीं हो सकता। लेकिन केवल हिन्दुओं के जज्बात को भड़काने के लिये, उनकी भावनाओं को उकसाने के लिये यह बात न केवल असम के लिये, बल्कि पूरे देश में यह फैलाई जाती रही है। आज असम में क्या हो रहा है ?

यह बड़ा गंभीर मामला है, उपाध्यक्ष महोदय, मुझे अपनी बात कहने का मौका मिलना चाहिये।

यह बात अभी तक पूरे देश में खुलकर सामने नहीं आई है कि यह मामला क्या है और आज असम में क्या हो रहा है? आज असम से जो खबरें आ रही हैं, यह गाँहाटी की खबरें होंगी, शहर की खबरें होंगी। हमारे माननीय सदस्य देव जी ने सही कहा कि असम के गावों में क्या हो रहा है, उसकी खबर दिल्ली को नहीं पहुँच रही है, मुझे उसकी कुछ सूचना है। जो भी गाँव में मुसलमान आबादियाँ हैं, वह चारों तरफ से घिरी हुई है, उनको बाहर नहीं निकलने दिया जा रहा है, उनको अन्दर बाहर से सहायता नहीं पहुँचायी जा रही है। और मेरी सूचना के अनुसार जो बंगाली अल्पसंख्यक हैं, उनकी बात छोड़ दीजिये, 500 में ऊपर आदमी असम में केवल मुसलमान मार डाले गये हैं। उनकी जो क्षति हुई है, आर्थिक नुकसान हुआ है, उसकी बात मैं नहीं कहता, 500 से ऊपर आदमी असम में केवल मुसलमान मार डाले गये हैं।

ऐसी स्थिति में सरकार का क्या कर्तव्य है, उसको क्या करना चाहिये—अगर वह केवल भाषा-कल्चर या तहजीब की बात होती, तो दूसरी बात थी, लेकिन असम का मुसलमान जो वहाँ की आबादी का 75 प्रतिशत हिस्सा असमी बोलने वाला है, आज वह इस आन्दोलन में क्यों शामिल नहीं है? जो लोग आसाम में पैदा हुए, जो मूल रूप से आसामी हैं, जो जातीय रूप से आसामी हैं, जो भाषायी रूप से आसामी हैं, आज उनको क्यों मारा जा रहा है, उनको क्यों परेशान किया जा रहा है? केवल इसलिए कि वे मुसलमान हैं। आखिर वे भी तो आसामी हैं। वे बंगाली नहीं हैं। उनको क्यों मारा जा रहा है, उनको क्यों परेशान किया जा रहा है? आसाम का मामला केवल साम्प्रदायिक है। इसके अलावा आसाम का मामला कुछ नहीं है।

मैं इस बिल का समर्थन करता हूँ। आसाम में सामान ले जाने के लिए और आसाम से बाहर सामान लाने के लिए यह बिल बहुत जरूरी है। लेकिन मैं आपके माध्यम से, सरकार से यह भी कहना चाहता हूँ कि केवल यह बिल काफी नहीं है, इस बिल से काम नहीं चलेगा। आखिर हम लोग यहाँ क्यों आये हैं?—इस देश में अच्छा शासन देने के लिए, लोगों को सुरक्षा देने के लिए, हर वर्ग के लोगों को सुरक्षा देने के लिए, उन पर कोई जुल्म न हो, उन पर कोई ज़्यादती न हो, उनको कत्ल न किया जाये, उनकी पूजा न लूटी जाय, इसके लिए हम वचनबद्ध हैं और इसके लिए मैं माग करना चाहता हूँ कि हम लोगों को शर्माना नहीं चाहिए कि चूँकि आसाम में आज ऐसी स्थिति उत्पन्न हो गई है, आज आसाम इतने गंभीर संकट से गुजर रहा है, इसलिए वहाँ पर आन्तरिक इमर्जेंसी लागू करनी चाहिए। हमको इससे शर्माना नहीं है। हमको इससे भागना नहीं चाहिए। विरोध के लोग चिल्लाया करें। हमें आसाम की स्थिति को काबू में करना है, आसाम की स्थिति को सम्भालना है।

देश के लोग यह फैसला करेंगे कि आसाम में इमर्जेंसी लागू कर के हमने सही किया है या गलत किया है। पूरा देश यह फैसला करेगा।

यहां बैठे हुए चन्द लोग, जो ** हैं, जो एन्टी-मुस्लिम हैं, वे इस बात का फैसला नहीं कर सकते। (ब्यबधान) आप एन्टी-मुस्लिम हैं, आप ** हैं। (ब्यबधान)

SHRI GEORGE FERNANDES: He has called the Members of Parliament as **. You are presiding over this House. You are presiding over the group of **?

(Interruptions)

SHRI GEORGE FERNANDES: I am on a point of order. The hon. Member is describing the Members of the Opposition **.

(Interruptions)

SHRI GEORGE FERNANDES: I seek your protection. I am on a point of order.

MR. DEPUTY SPEAKER: Supposing he has called any Member of Parliament **.

SHRI GEORGE FERNANDES: He has called us **...

MR. DEPUTY-SPEAKER: I will go through the proceedings. If there is anything like that, I will take sition **.

SHRI GEORGE FERNANDES: You ask him to withdraw these words.

(Interruptions)

SHRI GEORGE FERNANDES: Are you going to take.....

(Interruptions)

SHRI GEORGE FERNANDES: I would appeal to you to control him. This is a serious matter. How can you ask us to sit down? How can he call the Members of Opposition **?

श्री रामावतार शास्त्री (पटना) : **
आदमी यहां कैसे आ जायेगा?

(Interruptions)

MR. DEPUTY-SPEAKER: I have told you.....

(Interruptions)

SHRI GEORGE FERNANDES: There is a limit to everything. He has called the Members of the Opposition **.

(Interruptions)

MR. DEPUTY-SPEAKER: I have noted your point. I have noted what you say. Why do you get emotional?

(Interruptions)

MR. DEPUTY-SPEAKER: Mr. George Fernandes has said that he has used the words **, with regard to the Opposition Members. I have said, I will go through the proceedings and if there is anything like that I will take action.

(Interruptions)

MR. DEPUTY-SPEAKER: If any unparliamentary words or anything has been used, I will go through the proceedings and I will take action.

SHRI BAPUSAHEB PARULEKAR (Ratnagiri): It is not merely a question of expunging the remark. If they are defamatory remarks, they can be expunged. But if an hon. Member says that anyone here is ** he must withdraw it. You ask him to withdraw it.

(Interruptions).

MR. DEPUTY-SPEAKER: He would not have said that any hon. member of this House is **. Mr. Basher, if you have said like that, there is no harm in withdrawing it. Perhaps you said, anti-national activities. He has not called anybody **.

SHRI GEORGE FERNANDES: He has called the entire opposition as **. You ask the hon. Members on the other side. He admits it. It is not a matter to be laughed at and joked at.

(Interruptions)

श्री राम बिलास पासवान : यदि वह इस तरह की भाषा का प्रयोग करेंगे तो हम लोग यह कहेंगे कि इन्होंने भारत-पाकिस्तान को बनाया है और ये फिर देश को टुकड़े करना चाहते हैं। कांग्रेस ने भारत पाकिस्तान को बनाया है और फिर ये देश को टुकड़े करना चाहते हैं। . . . (ब्यवधान) . . .

SHRI GEORGE FERNANDES: He is not even prepared to withdraw it.

(Interruptions).

MR. DEPUTY-SPEAKER: I have already said that I will go through the proceedings and if he has called any member either in the opposition or ruling party as **, I will take action.

SHRI GEORGE FERNANDES: The entire opposition has been branded as consisting of **. The hon. member made that remark not once but more than once. I would appeal to the House and particularly the hon. Members on the other side. Debate is one thing. You attack our positions, if you want. But you cannot call the entire opposition as**.

MR. DEPUTY-SPEAKER: That is what I said. I will go through the proceedings and if there is anything unparliamentary, I will take action.

SHRI GEORGE FERNANDES: You ask him now.

MR. DEPUTY-SPEAKER: Supposing from the opposition side, some member says that this Government is a fascist government and if the members from the Government side ask you to withdraw it, will you do it? I will go through the proceedings and if there is anything unparliamentary, I will take action.

SHRI GEORGE FERNANDES: You ask the member now. Is he denying it?

MR. DEPUTY-SPEAKER: He will explain. Mr. Zainul Basher, did you call any hon. member of the opposition as **?

SHRI ZAINUL BASHER: I understand that some of the hon. Members are not understanding Hindi. What I said.....

(Interruptions)

MR. DEPUTY-SPEAKER: Could he not explain his position?

(Interruptions)

You never called any Member of the opposition as **?

SHRI ZAINUL BASHER: What I mean to say is that they are indulging in anti-national activity.

(Interruptions)

MR. DEPUTY-SPEAKER: He has explained his position. He has not offended any Member of the House whether he is in the Opposition or in the ruling party.

(Interruptions)

I told you that I would go through the proceedings.

SHRI GEORGE FERNANDES: You may take charge of the tapes.

This hon. Member is ** now. He does not....

(Interruptions)

SHRI SONTOSH MOHAN DEV: He should withdraw that word (Interruptions).

MR. DEPUTY-SPEAKER: Hon. Members, we are dealing with a very serious subject. (Interruptions)

Let the discussion be on.

श्री जैनुल बखर : उपाध्यक्ष महोदय, यह इतना गम्भीर मामला है और इस पर बड़ी गम्भीरता के साथ विचार होना चाहिए था। असम के मामले को इतने दिन हो गए और यह सरकार 6 महीने से शासनाखंड है, मुझे पूरी आशा है कि हमारे गृह मंत्री जी, श्री मकवाना साहब जोकि बड़े एफीशिएंट मंत्री हैं, उन्होंने इस बात का पता लगा लिया होगा तथा उन्हें ज्ञात हो गया होगा कि असम के आन्दोलन के पीछे क्या भावना है, उसके पीछे कौन-कौन सी शक्तियाँ काम कर रही हैं और उसके पीछे कौन-कौन से लोग हैं जो सक्रिय पार्ट अदा कर रहे हैं—पदों के आगे या पदों के पीछे से। यह सारी बातें होम मिनिस्टर साहब को मालूम हो गई होंगी। मैं आपके माध्यम से उनसे अनुरोध करना चाहता हूँ कि वे न केवल इस समय को बल्कि इस देश को विश्वास में लें और सारी घस-स्थिति से अवगत करायें तथा जो भी फैक्ट्स हैं वह सारे देश के सामने रखें क्योंकि असम का यह मामला केवल एक शुरुआत है और मुझे डर है अगर यह शुरुआत कामयाब हो गई तो बाद में पूरे देश में इस प्रकार की साजिश होगी जिसके कारण हमारे देश की अखण्डता, धर्मीनरपेक्षता तथा हमारा जनतन्त्र खतरे में पड़ सकता है। विरोधी दल के लोग वही खेल खेलना चाहते हैं क्योंकि वे जानते हैं वोट के जरिए एक बार लाटरी उनकी किस्मत में निकल आई थी परन्तु अब आगे कभी वोट के जरिए से सत्ता में आने वाले नहीं हैं अतः इस प्रकार की विघटनकारी कार्यवाहियों के द्वारा सत्ता में आना चाहते हैं।

मैं आपका बड़ा आभारी हूँ कि आपने मुझे इतना समय दिया। धन्यवाद।

14 hrs.

श्री हरिकेश बहादुर (गोरखपुर) : मान्यवर, मैं इस शर्मनाक काले विधेयक का कड़ा विरोध करता हूँ, क्योंकि यह विधेयक श्रमजीवियों के दमन के लिये लाया गया है। अभी माननीय सदस्य, श्री जैनुल बखर, ने कहा कि वे आन्तरिक इमरजेन्सी लगवाना चाहते हैं, सरकार का मुख्य ध्येय यही है कि नार्थ इस्टर्न स्टेट्स में इमरजेंसी लगा दी जाए, उसके बाद पूरे मुल्क पर इमरजेन्सी लगा दी जाए। केवल दमन करने के लिए, एकाधिकार-वाद की स्थापना के लिए, तानाशाही लागू करने के लिए यह विधेयक लाया गया है।

यह सरकार की तानाशाही प्रवृत्ति का द्योतक है। इसलिए मैं इसको काला विधेयक कहता हूँ, शर्मनाक विधेयक कहता हूँ और इसका विरोध करता हूँ।

माननीय मंत्री जी से मेरा अनुरोध है कि वे इसे वापिस ले लें और श्री जार्ज फर्नाण्डीज के प्रस्ताव का समर्थन करें और उनकी बातों को स्वीकार करके इस विधेयक को पूरी तरह से खत्म करें।

मान्यवर, मैं कहना चाहता हूँ कि पिछले छः महीने से ये लोग सरकार के अन्दर हैं, अगर इन लोगों में सिन्सयोरिटी होती तो आज इस समस्या का समाधान कभी का निकल गया होता। लेकिन इनमें सिन्सयोरिटी नहीं है, ये केवल इस देश के टुकड़े-टुकड़े करना चाहते हैं, नार्थ-इस्टर्न रीजन को अलग करना चाहते हैं। आज मैं कहना चाहता हूँ कि वहाँ, तीनसुकिया, लखीम-पुर, कामरूप, नवगांव और देश में अन्य जगहों पर जो साम्प्रदायिक दंगे हुए हैं, उसे पूरी तरह से ये हल करने में विफल हुए हैं। पूरे देश के अन्दर अल्पसंख्यकों पर अत्याचार हो रहे हैं, हरिजनों पर अत्याचार हो रहे हैं, महिलाओं पर अत्याचार हो रहे हैं, आप इसे रोकने में असमर्थ रहे हैं।

कल आरिफ साहब कह रहे थे कि यहां पर मजबूत सरकार बनी हुई है, जो समस्याओं का समाधान कर रही है। क्या यही वह मजबूत सरकार है, जिसके राज में अराजकता फैली हुई है, सारा देश जल रहा है और देश में अल्पसंख्यकों, हरिजनों, महिलाओं पर अत्याचार हो रहे हैं? मंहगाई बढ़ रही है, चीजों का अभाव पैदा हो गया है—यह इनकी मजबूत सरकार है और इसी सरकार को ये बलामा चाहते हैं। आज जो असम के अन्दर स्थिति पैदा हुई है, अगर वह सरकार इस स्थिति को ठीक ढंग से, सही समय पर नियंत्रित नहीं करेगी, तो इस देश की जनता इस सरकार के नापाक इरादों को समझेगी और यह देश सभरकेगा और यह सरकार गद्दी पर बैठी नहीं रह सकती है।

मैं यह भी कहना चाहता हूँ कि आज उत्तर-पूर्वी हिस्से पूरे तरीके से अविभाजित क्षेत्र हैं। वहाँ पर गरीबी के कारण अगर एजीटेशन होगा तो क्या आप उसका दमन करेंगे? किसी भी समस्या का

[श्री हरिकेश बहादुर]

राजनीतिक समाधान इनके पास नहीं है, केवल मिलिट्री सॉल्यूशन है

They are having only a military solution for every political problem, they are not having any political solution for a political problem.

इसीलिए इन्होंने वहां पर सेना भेजी, बी. एस. एफ. और सी. आर. पी. एफ. भेजी—यही इन लोगों का काम है। ये इस देश को सही ढंग से नहीं ले जाना चाहते हैं। बजट आया है, लेकिन उत्तर-पूर्वी हिस्से के विकास के लिए कोई भी उसमें सुनियोजित योजना नहीं रखी गई है। इससे इनका इन्फ्रेशन क्लियर होता है। उसमें न रेलवे के मार्गों के निर्माण की बात कही गई है, न सड़कों और उद्योगों के विकास की बात कही गई है। मैं जानता हूँ इनकी यह बात बुरी लग रही है, क्योंकि ये लोग नहीं चाहते हैं कि उनकी उस समस्या का समाधान हो और इस समस्या के समाधान के लिए इनकी कितनी दिलचस्पी है, यह स्पष्ट है।

एक बात कह कर मैं समाप्त कर रहा हूँ। अभी तक यहां पर कौन्सेल स्तर का कोई भी मंत्री उपस्थित नहीं है . . . लेकिन मेरे इतना कहते ही मंत्री जी आ गए। यह सरकार इस समस्या का समाधान नहीं करना चाहती है, इसलिए इस काले विधेयक का मैं पूरी तरह से विरोध करता हूँ।

14.04 hrs.

SHRI G. M. BANATWALLA (Pon-nani): Mr. Deputy-Speaker, Sir, it must be admitted without much ado that the present Bill is a draconian measure. It must be conceded that the various provisions of the Bill are anti-labour and repressive in character. But, Mr. Deputy-Speaker, Sir, the Bill has to be viewed in the context of the situation prevalent in Assam today.

The hon. Minister says in the Statement of Objects and Reasons:

“The mass movement in Assam in connection with the foreign

nationals issue has been taken advantage of by disruptive forces to seriously affect the maintenance of supplies and services essential to the life of the community, especially the production and distribution of petroleum and petroleum products.”

My charge against the Government is that this is an under-statement of the situation prevalent in Assam today. The Government has been very mild in using these words. Otherwise, what is the present position in Assam? The Assam situation today is a serious threat to the very concept of our nationhood. It is a serious threat to the unity and integrity of the country. When such is the situation, no Government worth its name can be a mere silent spectator, remaining helpless. Therefore, I submit that this Bill must be viewed in the context of the situation that is prevalent in Assam.

The position with regard to the working class, labour etc., should not be mixed up with the Bill in view of the situation in Assam. I will have to ask a pertinent question. Those who are opposing the Bill must realise whose cause they are championing. Today it is manifestly clear that there are foreign hands that are working. So, I will have to submit to the progressive elements, the leftist elements, with all respect, that their opposition to the Bill is detrimental to the very leftist movement and its progress in the country. Even if there is no conclusive evidence, there is abundant circumstantial evidence of the fact that the anti-Left Powers of the West are behind the present movement in Assam. Therefore, by supporting what is going on in Assam, and through opposition to this Bill, those who call themselves progressives and leftists are not serving the interests of the leftist movement or even of the nation as such.

We are told that there is a trampling upon civil liberties, but while

laying this charge, they must also realise what the situation in Assam is. Today all civil liberties have become inoperative in Assam, and if this Government wants to come forward in order to see that those civil liberties become a reality and normalcy returns, then every section of this House and every section of this great nation of ours must really strengthen the hands of the Government.

There are contradictory statements being made in the House. A pertinent question has been asked with respect to the Ordinance that was promulgated, as to the extent to which Government has been able to use it. The Government has been asked to explain what strikes they could prohibit. The implication is that even after the Ordinance, even after the draconian measures contemplated under the Ordinance, the Government was helpless and could not use these powers. In one breath this is said and in another, we are being told that the situation in Assam is only an excuse to beat the working class and to suppress them. But if the Government has not been in a position to use the provisions of the Ordinance, how can you lay this charge against the Government of their having tried to suppress the leftist movement? This, therefore, I say is blowing hot and cold at the same time. On the contrary, it must be realised that the Government is cautious, even though it was armed with the powers under the Ordinance, to see that its use is minimal and not to use it in a suppressive manner.

It is in view of these facts and with a very heavy heart, though I have always been in the forefront for safeguarding the rights of the working class and all others, because of the situation in Assam, I am compelled to support the measure that is brought before the House by the Government and this I do, of course, with certain reservations, which are expressed in the amendments, a notice of which I

have given and which I will take up at the appropriate occasion. My plea to the Government is that this Bill should be limited in its operation to the period of the proclamation that is there with respect to Assam. There is also no need to so define the term 'essential services' as to include almost every service under the sky, and the term 'strike' as to go much beyond the pale of the term. I, therefore, hope that the Government will consider this particular point.

Before I conclude, I must, however, urge upon the Government that proper caution should be exercised in the exercise of the powers contemplated under the Bill. We know that the local police force in Assam is displaying a trenchant partisan attitude. Therefore, while exercising the rights contemplated under the proposed Bill, due caution must be taken to see that justice, and not injustice, becomes the order of the day.

With these words, though with a heavy heart and with certain reservations, I have to support the Bill that is brought by the Government.

श्री पीयूष तिरकी (अलीपुरद्वार): उपाध्यक्ष महोदय, मैं इस बिल का विरोध करने के लिए खड़ा हुआ हूँ। मेरी पार्टी आर. एस. पी. इस बिल का पूरे दम से विरोध करती है।

मैं यह कहना चाहता हूँ कि आसाम की जो यह समस्या खड़ी हुई है, वह एक दिन की बात नहीं है। वह बहुत दिनों की पुरानी बात है। मैं ऐसा विश्वास करता हूँ कि जिस समय सेन्टर में जनता पार्टी की सरकार राज्य करती थी, उस समय आप की जो पार्टी है, उस का हाथ भी आसाम के सम्बन्ध में साफ नहीं था और यह साबित हो चुका है कि अभी जो रूलिंग पार्टी है यानी कांग्रेस (आई), उस ने भी इस समस्या को भड़काने में मदद की थी। उन को यह उम्मीद नहीं थी कि इस तरह से कांग्रेस (आई) की सरकार सेन्टर में फिर आ जाएगी।

[श्री पीयूष तिरकी]

14.15 hrs.

[SHRI SHEVRAJ V. PATIL in the Chair.]

और उत्तरदायित्व सम्भालना पड़ेगा। इसलिए इस समस्या के समाधान के लिए वह आगा पीछा करती रही है। सरकार की जो नीयत है वह साफ नहीं है। इसलिए यह समस्या लिंगर आन करती जा रही है। आपने देखा और सुना होगा कि पश्चिम बंगाल के भी कांग्रेस जाई के मेम्बर इस मूवमेंट के समर्थन में आन्दोलन करने की तैयारी कर चुके हैं। आप यह भी देखें कि जब कभी कोई समस्या पैदा होती है तो छोटे लोगों के ऊपर उस समस्या को ला कर सड़ा करने का दोष मढ़ दिया जाता है। आप तो जानते ही हैं कि काली मां बहुत शक्तिशाली हैं और उसको खुश करने के लिए कभी भी बाध को बिल पर नहीं चढ़ाया जाता है, हमेशा मंजूर हो ही बिल पर चढ़ाया जाता है। यही बात यहां पर है। सारा दोष कमजोर लोगों पर ही मढ़ दिया गया है, निर्दोष लोगों पर ही मढ़ दिया गया है। वकिंग क्लास को हर तरीके से सरकार दबाने की कोशिश में लगी हुई है, खत्म करने की कोशिश में लगी हुई है। असम में राष्ट्रपति शासन लागू है और अपनी पूरी ताकत आप यहां लगा रहे हैं। लेकिन जो हालात हैं उन से निपटने के लिए आपकी पुलिस, आपकी मिलिटरी आपकी सी आर पी सी. असमर्थ साबित हो रही है। मुझे नहीं पता कि यह बिल किस तरह से यहां पर जो समस्या है उसका समाधान करने में सहायक हो सकेगा। मैं समझता हूँ कि इस बिल के पीछे बहुत बुरी भावना छिपी हुई है। मैं समझता हूँ कि देश में बढ़ती हुई कीमतों, बढ़ती हुई मंहगाई और सरकार को जो विफलता का महं देखना पड़ रहा है, उसको छिपाने, उस पर पर्दा डालने की यह एक साजिश है। इससे समस्या का कोई समाधान नहीं होने वाला है।

यह कहा जाता है कि यहां पर विदेशी एजेंट काम कर रहे हैं। लेकिन होम मिनिस्ट्री की तरफ से कभी भी यह नहीं बताया गया है कि उन विदेशी तत्वों का नाम क्या है, जो इस आन्दोलन के पीछे हैं, उनका नाम क्या है, जो इस देश के टुकड़े टुकड़े

कर देना चाहते हैं और जो इस तरह की साजिश में शामिल हैं, उनका नाम क्या है। यह कहा जाता है कि मिशनरियों द्वारा यह साजिश रची गई है और उनका इसके पीछे हाथ है। लेकिन कभी भी होम मिनिस्ट्री ने नहीं बताया है कि कौन से ये मिशनरी लोग हैं और उनके नाम क्या हैं। मिशनरी लोग पालिटिक्स में नहीं हैं। इस वास्ते जो भी सरकार सत्ता में आती है अपनी विफलता का दोष वह उन पर ही मढ़ देती है। चूंकि मिशनरीज किसी भी राजनीतिक पार्टी में भाग नहीं लेते हैं और न ही उनकी कोई राजनीतिक पार्टी है इसलिए उन को ही दोष दे दिया जाता है। आप यह भी देखें कि क्रिश्चियन पार्टी नाम की कोई राजनीतिक पार्टी नहीं है हिन्दूस्तानी में जिस तरह से मुस्लिम लोग हैं या हिन्दुओं की पार्टी जन संघ है या कोई दूसरी पार्टी है या अकाली दल है। इसलिए बहुत ही आसानी से कह दिया जाता है कि मिशनरी लोग इसके पीछे हैं। मैं चाहता हूँ कि यदि आप सच्चे हैं और आपके पास सबूत हैं तो आप उन मिशनरियों के नाम बताएं।

दिल्ली के अगल बगल में बहुत से मिशनरी स्कूल खुले हुए हैं। बज्जिया लोगों के बच्चे ही उन में पढ़ने के लिए जाते हैं, गरीबों के बच्चे--उन में दाखिला नहीं ले सकते हैं। दिल्ली कलकत्ता बम्बई आदि जितने भी बड़े बड़े शहर हैं वहां इनके द्वारा स्कूलों का संचालन होता है और बज्जिया लोगों के बच्चे ही उन में पढ़ते हैं। सभी मिशनरी स्कूल टाउंज में ही हैं। मैं मांग करता हूँ कि उनको बन्द कर दिया जाए और उन मिशनरीज को जंगल में भेज दिया जाए जहां सरकार नहीं जा सकती है, जहां--अंधकार है, जहां कोई दवा दारू का प्रबंध नहीं है, जहां कोई शिक्षा का प्रबन्ध नहीं है या बैंकबुड एरियर में इनको भेज दिया जाए, जहां कोई सुविधाएं उपलब्ध नहीं हैं, जहां सोशल वर्क करने की बहुत ज्यादा जरूरत है और जहां सरकार के लिए ये सब काम करना सम्भव नहीं है ताकि वे वहां जा कर काम कर सकें और वहां के लोगों को दूध की मेन स्ट्रीम में आ जाने के लिए तैयार कर सकें। मैं मांग करता हूँ कि जेसस मेरी जैसे जितने भी स्कूल दिल्ली कलकत्ता आदि

जपहों पर हूँ और जिन को भिक्षनरी चलाते हूँ वे सब बन्द कर दिये जाएँ और उनको कहा जाए कि वे बँकमंड एरियाज में जा कर इनका संभालन करें। ऐसा मानने किया तो मुझे ज्यादा बुरी होगी।

इस बिल की नीमत बहुत बुराब हूँ। ब.उ. देश में बकिंग क्लास मूवमेंट जोर पकड़ती जा रही हूँ, उस में एकता स्थापित होती जा रही हूँ, उसकी आवाज सारे देश की आवाज हो चुकी हूँ। मैं समझता हूँ कि उसकी आवाज को कुचलने के लिए, उसकी आवाज को दबाने के लिए यह पहला कदम हूँ जो उठाया जा रहा हूँ। तथाकथित विदेशी लोगों को हटाने के नाम पर गरीब लोगों को वहाँ से हटाया जा रहा हूँ। मैं जानना चाहता हूँ कि जो मूवमेंट चला रहे हैं उनके पास धन कहां से आ रहा हूँ। दिजिनेस कम्युनिटी में जो एक्सप्लायटर्स हैं उन से उनको रुपया दिया जा रहा हूँ। सरकार को इसका पता होना चाहिये कि कहां से उनके पास रुपया आ रहा हूँ। सरकार ने इसके बारे में हमें कुछ नहीं बताया हूँ। मैं समझता हूँ कि कांग्रेस आई के मेम्बर भी हैं जो उनको रुपया दे रहे हैं। वहीं पर जितने भी एक्सप्लायटर्स हैं, जिन्होंने पूजा लगा रखी हूँ, वह असम के नहीं हैं, बाहर के हैं। जिनसे इसका चलाने के लिये रुपया मिल रहा हूँ, वह सरकार को मालूम होना चाहिए। पहले इन बात को निकाल लेना चाहिए कि यह रुपया कहां से पाते हैं। सरकार ने इस बात को कुछ नजरन्दाज किया हुआ हूँ। इस समय में मूल्यवृद्धि और काम के बोझ से जो बकिंग क्लास दबी जा रही हूँ, इनको बिना कसूर जैसे एक देवी के सामने मेमने की ही बिल चढ़ाई जाती हूँ, ऐसे ही इनकी हालत हो रही हूँ। इसलिये सभापति महोदय, मैं अन्त में अपनी ओर से और अपनी पार्टी रिवालयूनररी सोशलिस्ट पार्टी की ओर से इस बिल का घोर विरोध करता हूँ।

श्री राम विलास पासवान (हाजीपुर): सभापति महोदय, बिल की जो संज्ञा हूँ, उस पर पर्दा डालने के लिये विरोधी पक्ष के लोग, जो उधर बैठे हुए हैं, इसको दूसरे रूप में रख रहे हैं। विरोधी पक्ष वह जो हमारे उधर की तरफ बैठे हुए हैं।

इस लिये जो चार्ज साहब का रीप्लायन हूँ, उसका मैं समर्थन करता हूँ और सत्ताधारी पक्ष की ओर से जो बिल लाया हूँ, उसका मैं विरोध करता हूँ।

इन लोगों ने अभी तक बहुत कोशिश की हूँ और मेरा सीधा आरोप हूँ कि जहाँ कहीं भी पूरे देश में जब किसी चीज को लेकर कोई आन्दोलन होता है किसी बुनियादी समस्या को लेकर गरीब गवाँ लोग उठ खड़े होते हैं तो सत्ताधारी पार्टी का रही नियम रहा हूँ कि उसमें चाहे साम्प्रदायिकता घुसेझो या कुछ करो, उस को दवाओं— हमने देखा है कि इस तरह से कहीं प्रवाह रुकता नहीं हूँ। पानी की धारा जब तेज होती है तो पत्थर या तो पानी बन जाता हूँ, या वह पत्थर छिटक कर बहुत दूर चला जाता हूँ। हल्ला-गुल्ला मचाने से यह सब कुछ बनता नहीं हूँ। हमारे सब साथी बैठे हैं, यह पक्ष और विपक्ष की बात नहीं हूँ, हमने 1974 में भी आन्दोलन को देखा हूँ। सरकार तो दमन करना चाहती थी, लेकिन वह उस आन्दोलन को नहीं दबा सकी और वह आन्दोलन इतना जोर से बढ़ता गया कि बिहार से दिल्ली तक पहुंच गया। इसलिये आप असम के मामले को भी इस तरह नहीं रोक सकते हैं।

अभी हमारे साथी ने कह दिया कि एंटी-नेशनलिस्ट, मैंने उस समय भी उनको कहा था कि एंटी-नेशनलिस्ट हम चार्ज नहीं लगा सकते हैं। हिन्दूस्तान पाकिस्तान का बंटवारा क्यों हुआ? सत्ता के लोभ में हुआ। क्यों किया आपने बंटवारा? यह विवादास्पद विषय हूँ। आप कहें कि पार्थ इस्टर्न जाने को जाने दें, पूर्वांचल को जाने दें, हमारा कुछ बरकरार रहे तो इससे समस्या का निदान नहीं होता हूँ। समस्या के निदान के लिये आपको बुनियादी चीज को पकड़ना होगा। अगर उसमें वह तत्व हूँ, गलत चीज हूँ तो उसको निकालने का काम हूँ, यह नहीं कहना है कि पूरे का पूरा देश गलत हूँ।

अभी हमारे विहार के साथी कुछ कह रहे थे। मैं कहता हूँ और यह कहने में हमको कोई आपत्ति नहीं है कि बिहार का जो पिछड़ापन है, उत्तरप्रदेश और उड़ीसा

[श्री राम विलास पासवान]

का जो पिछड़ापन है जो हमारे प्रान्त सभी दृष्टियों से समृद्धिशाती है, जहां खनिज-पदार्थ है, यदि आप उसका शोषण करेंगे, यहां के लोग गरीब रहेंगे, भूखमरी के शिकार होंगे तो वहां आन्दोलन होगा और उस आन्दोलन की अगुआई अगर हम लोगों को करनी होगी तो हम करेंगे। आपको भी करनी चाहिये। यह कोई बुरी चीज नहीं है। आन्दोलन को आप इस तरह कर रहे हैं, जैसे यह छुआछूत की बीमारी हो। उसमें जो बुराई है, उसे आपको देखना होगा।

जो इस तरह की बातें कहते हैं, तो मैं जानना चाहता हूँ कि असम के आन्दोलन में क्या मुसलमान नहीं हैं। ये कहते हैं कि इसमें वहां के लोग समर्थन नहीं दे रहे हैं।

श्री मूलचन्द्र डागा (पाली): लोकदल की पार्टी, जो हमारा कांग्रेस का तरीका चल रहा है, उस समझौते में आपको बुलाते हैं या नहीं? आप आकर बात करते हैं या नहीं? वह तरीका लाना चाहते हैं या नहीं? यह कानून है, वह उस पर नहीं है...

श्री रामविलास पासवान: मैं कहता हूँ कि एक ही समय में आंसू बहाना और उसके बाद थप्पड़ चलाना दोनों एक साथ नहीं होता है, हसना और गाल फलाना। वह सारी चीज कह गये, लेकिन अन्त में कहते हैं कि जो असम की समस्या है, गरीब-गुर्वा लोग हैं आदिवासी हैं, मजदूर श्रेणी के लोग हैं, उनके ऊपर दमन नहीं होना चाहिये। लेकिन यह कानून बनाया जा रहा है दमन करने के लिए, लेबर को एक्सप्लायट करने के लिए।

इस विधेयक की धारा 6 में कहा गया है:-

“यदि कोई व्यक्ति, ऐसी हड़ताल के लिए जो इस अधिनियम के अधीन अवैध है, अन्य व्यक्तियों को उकसाएगा या उसमें भाग लेने के लिए उदीप्त करेगा,

या उसे अग्रसर करने में अन्यथा कार्य करेगा, तो वह कारावास से जिसकी अवधि एक वर्ष तक की हो सकेगी या जूमाने से जो दो हजार रुपये तक का हो सकेगा या दोनों से दण्डनीय होगा।”

हड़ताल करने के लिए उकसाने के सम्बन्ध में यह दण्ड का विधान है। कौन उकसा रहा है, इस बारे में पुलिस जो रिपोर्ट देगी, उसके अनुसार ही कार्यवाही होगी।

यह किसी एक सरकार की बात नहीं है। जब हम 1977 में सत्ता में आये थे, तो उस वक्त मीसा का काला कानून बना हुआ था और सरकार को इतनी पावर मिली हुई थी कि अगर कोई बदले की भावना वाली सरकार बनती, तो वह पूरी आपोजीशन को जेल में बन्द कर देती। यह किसी एक पक्ष की बात कही है। जब कोई कानून बनता है, तो वह सभी पक्षों के लिए बनता है। (व्यवधान) हम लोगों ने तो भूलमम-साहब से काम लिया था। हम लोग बन्द कर सकते थे, लेकिन नहीं किया। (व्यवधान) कुछ लोग कहते हैं कि अपने कर्मों का फल भोग रहे हैं। आप लोग कब भागेंगे, यह आपको भी पता चल जायेगा। इस लिए मैं चाहता हूँ कि आप सत्ता के मद में पागल न बनियें।

सरकार सामान्य कानून, आर्डिनरी ला, के तहत भी इस समस्या का निदान ढूँढ सकती है। यदि स्थिति पर सरकार की ग्रिप नहीं है और वह सामान्य कानून के तहत समस्या का निदान नहीं कर सकती है, तो फिर मैं इतना ही कहना चाहता हूँ कि वह एक्सपेरिमेंट कर के देख ले, लेकिन चाहे वह कोई भी कानून बना ले, चाहे कितनी शक्ति अपने पास रख ले, लेकिन उससे इस समस्या का हल नहीं हो सकेगा।

कुछ लोग कहते हैं कि इस आन्दोलन के पीछे विदेशी तत्व हैं, असामाजिक तत्व हैं। मैं उनसे पूछना चाहता हूँ कि क्या

वहां कोई प्रार्थिक समस्या नहीं है। आसाम के आदिवासियों और दूसरे गरीब लोगों का शोषण किया जा रहा है, उनसे जमीन छीनी जा रही है और वहां के खनिज पदार्थों और तेल से वहां की जनता को कोई लाभ नहीं पहुंच रहा है। इस स्थिति में सरकार को इस बारे में एक बलेंसड एटीच्यूड अख्तयार करना चाहिए। सरकार को दमन और सप्रेसन की नीति नहीं अपनानी चाहिए। उसे यह नहीं सोचना चाहिए कि हमारे हाथ में डंडा है, पुलिस है, सरकारी मशीनरी है, हम लोगों को वर्गला देंगे और इस तरह इस समस्या का निदान हो जायगा। मैं कहना चाहता हूं कि इस तरह यह समस्या नहीं हल हो सकती है।

इस विधेयक की धारा 8 में कहा गया है:—

“दण्ड प्रक्रिया संहिता, 1973 में अन्तर्विष्ट किसी बात के होते हुए भी, कोई पुलिस अधिकारी किसी ऐसे व्यक्ति को बिना वारण्ट गिरफ्तार कर सकेगा, जिसके विरुद्ध युक्तियुक्त रूप से यह संदेह हो कि उसने इस अधिनियम के अधीन कोई अपराध किया है।”

सरकार पुलिस को व्यापक अधिकार दे रही है। अगर राम विलास पासवान सिचु-एशन को देखने के लिए आसाम जायेगा तो पुलिस कहेगी कि ये लोगों को भड़काने लिए आये हैं। मुझे गिरफ्तार करके एक साल के लिए जेल में बन्द कर दिया जायेगा और दो हजार रुपये जुर्माना भी लिया जायेगा। उसके बाद न अपील है, न वकील है, न दलील है।

यह बिल किसी भी नीयत से लाया गया हो, लेकिन हमने इस सरकार की नीयत को देख लिया है। वह 1975 और 1976

में अपनी नीयत को स्पष्ट कर चुकी है और इस लिए हिन्दुस्तान की जनता उससे बहुत संशंकित है। यह सरकार भले ही कहे कि यह बिल एसेंशल सर्विसिज को मेनटेन करने के लिए लाया गया है लेकिन हिन्दुस्तान की जनता अब उस पर विश्वास करने वाली नहीं है। हिन्दुस्तान की जनता पर इमर्जेन्सी का चाबुक एक बार पड़ चुका है। इस लिए अब यह सरकार जो कोई भी कदम उठायेगी हिन्दुस्तान की जनता उसको बहुत बारीकी से देखेगी।

सरकार ने यह जो विधेयक पेश किया है, उसके सम्बन्ध में उसकी नीयत साफ नहीं है। उसके दिल में कुछ है और ऊपर कुछ और है। ज्ञानी जल सिंह और श्री मकवाना की बात दूसरी है, लेकिन जिस तरह की यह सरकार है और जिस तरीके से उसका काम चल रहा है, मैं निश्चित रूप से कह सकता हूं कि उसकी मंशा साफ नहीं है। इस लिए मैं इस विधेयक का घोर घोर विरोध करता हूं। मैं आप तमाम साथियों से कहता हूं कि जिन को थोड़ा सा भी देश का, समाज का, परिस्थिति का ज्ञान है, वे सब के सब लोग अपनी पार्टियों की मर्यादा को तोड़ कर के आएँ, इस बिल का विरोध करें और इस रेजोल्यूशन का साथ दें।

इन शब्दों के साथ मैं इस रेजोल्यूशन को सपोर्ट करता हूं।

SHRI GIRIDHAR GOMANGO (Koraput): Mr. Chairman, Sir, I support the Bill, namely, the Essential Services Maintenance (Assam) Bill moved by Shri Makwana and I oppose the Resolution moved by Shri George Fernandes.

Sir, from the speeches made by the Members of the Opposition, I am surprised that most of them—those who

[Shri Giridhar Gomango]

spoke—were not looking into the problem correctly. We all know how the trouble in Assam was started. After the Janata Party Government left leaving the problem unsolved, the Congress and Lok Dal Government came to power. It is they who had aggravated the situation there in Assam thereby blaming the party which would come to power after them. The Janata Party consisted of different leaders with different attitude and different ideology. After that, Lok Dal-Congress Government tried to aggravate the situation. The agitation was started in such a way that they are now blaming the Government which has come to power. Our party can solve this problem. The reason for this is not because we have got the massive mandate from the people in the recent elections but because we have got the dynamic leadership in Mrs. Indira Gandhi. It is she who can tackle this situation. She can solve this problem because she has got a clear thinking in her mind as to what should be done for the country. She has so much of tolerance which no other leader possesses. Now what is important is the time factor. It is important for the leaders to decide in what way this problem can be solved. The party that came to power after damaging the image of the party in power cannot solve this. I have one or two suggestions to make for the consideration of Government. Look at the role played by different political parties in the Assam crisis. I am not blaming any particular party. I only blame the party which indulged in creating the troubles in Assam. Congress party was born when there was crisis in the country. And that party cannot exist now if there was no crisis. This party has again come to power because of that crisis and this party is having all the qualities which alone can solve this crisis. Prime Minister called all Opposition leaders to settle the problem amicably. But what they

have said and what they are saying and what statements they are giving! if you compare all these you will get confused. They are charging us that we are not taking action and the Bill is anti-workers and the workers who will go and join the strike will be given some punishment. They say that this Bill is anti-workers and that is why they are opposing. That is not their intention. Their intention is if they will oppose this Bill then the people in Assam and who belong to their party will support them and some time they may come in power. The North-Eastern region of our country has been divided into different States. The problem is continuing since the division of this pocket of India in different smaller States. Now the parties which are hungry for power are giving food for thought which will aggravate the situation.

Sir, I would also like to say that the Press has also to play its role. The Press should see what should be expressed in the Papers and what should be suppressed and impressed before the people. That has also to be seen. People in Assam and outside should think whether this is the problem of Assam only or of the whole nation. People should see at this problem from the broad angle and definitely we will find out the way. People who are afraid that the power given to police through this Bill may be mis-utilised, they should not be afraid.

Sir, from the Opposition it was said that it is an extra-ordinary measure and is not necessary as the situation can be tackled through ordinary laws but that is possible only when there is a normal situation. When in Assam there is an extra-ordinary situation it has to be dealt with through extra-ordinary measures. The Opposition is trying to give impression in the mind of the people that at the time of elections this party assured a stable government in the country but after having been voted in power they have

not been able to provide a stable government. But our party can give a stable Ministry and will be able to tackle these problems without any hesitation by adopting the process of solving the problem from the economic, political, social, religious and language points of view.

Sir, when we are to solve the problem through an integrated approach all the political parties—people whether they are in service or not—should pool their minds together and consider the national interests more important than their own narrow political ends. One should not always think of political gains to achieving power. We are the representatives of the people to reform the country but if the representatives take the political revenge then that will be dangerous for the country. That will be an unfortunate development.

Sir, I think the hon'ble Minister will look into these matters which are essential—whether in this line of approach or any other line, the problem has to be solved. I support the Bill and oppose the Resolution moved by Shri George Fernandes because I find there is an attempt to create crisis rather than solve the problem. There seems to be something else that he wants. I do not know what he wants but, I think, his attitude towards the problem is entirely different from what he is propagating.

**THE MINISTER OF STATE IN
THE MINISTRY OF HOME AFFAIRS
(SHRI YOGENDRA MAKWANA):**

Mr. Chairman, Sir, in all 16 members have participated in this Debate. I have heard all the Members who spoke; the majority of them have supported the Bill.

Certain doubts were expressed by some hon. Members, and some members of the opposition said that this is a step towards emergency. I would like to remind them that

emergency was imposed in 1975 and thereafter, the people voted us to power; the people of the country know what the Congress is, they know what our party is going to do for them. But this is the way in which the opposition members want to condemn the Government. I would like to request them that they should look at the present Assam situation dispassionately. They should look at it from that angle only. Mr. Banatwalla rightly stated the circumstances under which Government had to bring in this Bill before the House, to maintain essential services in the State. As I said, 16 members participated. I would like to reply to some of the important points raised by them.

Mr. Niren Ghosh, who was the first speaker, criticised the Bill and said that it is a draconian measure. He said, it is unusual to ban strike. I would like to draw the attention of the hon. Member and also of the august House to the fact that the Governing Body of the ILO on Freedom of Association has itself said that it is normal to withhold the right to strike of employees on the ground that they are engaged in essential services. So, this highest organisation, an international organisation on Labour, has also upheld this measure.

The CPI, CPM and some Janata members also criticised this Bill on one aspect that this measure will be a repressive measure and that labour will be repressed. I assure them that this Bill, when it becomes an Act, will not become a repressive measure. It will be used only when there is a crisis, just as what exists at present, when the essential services which are the prime requirements of the people and the community at large, are getting stopped. In that case only this measure will be used.

Some Members said this that certain members of this House as well

[Shri Yogendra Makwana]

as some political leaders of some political party go and incite the people and that the provisions of the Bill, when it becomes an Act, will be used against them. There is a particular section, Section 6 of the Bill, for such persons. At the same time, I would like to say this that we don't want to use any such section against anybody, provided they help the Government in maintaining law and order in that State and refrain themselves from indulging in such activities of inciting the leader and inciting the people to create disorder and communal tension in the area. Sir, many hon. Members have expressed their anguish and they have said that this agitation is becoming communal. It has been proved that at many places communal riots took place and the linguistic and religious minorities were suppressed. So, it is quite appropriate when they describe it as a communal agitation. The movement which was started by AASU was not communal. The students were right. They were not indulging in political activities. But some political parties and some politicians incited the people there and created communal tension, with the result the poor and the minorities suffered. Sir, it is the State which has suffered on account of the agitation and, therefore, it was thought that this Bill should be introduced in the present form so that necessary action can be taken and we can restore the essential services.

Hon'ble Member Mr. Sangma who comes from that area has rightly pointed out the difficulties of the people living in that terrain. He has said that it requires even 7 days to reach the Police Station and in some places it is difficult to obtain their ration and when they want to go to shops, it takes 2 days. In an area like that, if the essential services are blocked and if ration and other essential commodities are not allowed to move, what will be the position

of the people living there? Therefore, Sir, this Bill is brought before this House.

There are some Members who expressed their anxiety and they pointed out that there are some missionaries and foreign elements working in this area. One of the hon'ble Members pointed out about the book. The caption of the book is "Sons of the Soil" written by Prof. Myron Weiner, and this book is, as has been pointed by the hon. Member, Mr. Parashar, is going to be translated and circulated just to incite the people. These sorts of activities are required to be stopped immediately and the Government will certainly take necessary action to find out what is going on there and who is behind this. Some hon. Members have expressed their anxiety that under subclause (xiv) of Clause 2 there is a wide power given to the Government to declare any service as essential service. Therefore, the Government has to come before the House. It has to lay it on the Table of the House and it is to be approved by the House subsequently. So, at that time, every Member has the right to criticise it and after discussion, the Government can also think over it. So, it is not a measure which can arbitrarily be decided by the Government. There is a provision to come before the House and thereby it curtails the freedom which they have got.

Shri Harikesh Bahadur said that communal riots took place in this area. As I said in the beginning, there were some communal riots and the hon. Member knows who are the persons behind this and who are pulling the strings behind the curtain.

Shri Banatwalla has pointed out that the Government is very mild....

SHRI G. M. BANATWALLA: I said: "Do not be so mild."

SHRI YOGENDRA MAKWANA: The Government is not very mild, but very cautious. We are very cautious. We do not want to suppress anybody, but at the same time I can assure the hon. Member that the Government is strong enough to take necessary action against those who play mischief and those who incite the people for a communal tension.

Some hon. Members have also expressed their doubts and said that the Government is not taking any action against the foreign elements active in this area. As I said, there is no direct evidence to indicate who the foreign elements involved are. The Government, however, is definitely working on it and if anybody is found involved, the Government will definitely take the strictest action against those elements.

This Bill, as pointed out in the Bill, is mainly meant for the smooth and speedy maintenance of the flow of essential commodities to the State and to see that the various communities and the people at large do not suffer in that area. I would request all the hon. Members to support this Bill and to pass it.

SHRI GEORGE FERNANDES (Muzaffarpur): Mr. Chairman, Sir, I must admire the doggedness with which the members on the opposite side tried to distort the debate on this Bill. The whole Assam issue was once again sought to be debated, though from the beginning of the last month this House has considered that issue at very great length. There have been full-fledged debates on the Assam question on a special Resolution, on the budget of Assam and yet today when what we are discussing is the Essential Services Maintenance (Assam) Bill, which is directly concerned with the working people of the country, friends on the other side became very eloquent on the Assam issue all over again. The whole effort, I repeat, was to confuse the issue, to confuse the House

to the extent it is possible for them to confuse, and naturally also to try to confuse the country. I must say in fairness to the Minister that he did touch the Assam dispute or the Assam problem; but he did not make it a major issue. Nevertheless, it is necessary, since this question has been raised now, for me also to make 1 or 2 points in reply to the questions that the hon. Members on the other side have raised.

The hon. member from Assam who spoke, Mr. Dev, and there-after the hon. Member from Kanpur were particularly eloquent on the situation in Assam. And they found that many of us on this side were involved in it. In fact more or less both of them—one of them directly, and the other indirectly—demanded that the provisions of this law should be used against some of us; and I was particularly mentioned as the man against whom action should be taken on the basis of this law. One Member of the Congress (I) has made that specific demand. The Minister has been kind enough to prevaricate on that. The Minister has said that whether it should be used against the Members of this House or not, is a matter which they will consider. In other words, my own understanding of this Bill in the very first instance was that it was primarily against the working people—and in that context I had said when people ask: "Are we going to have another emergency?" "Why do you ask? It is here" The manner in which the Members on the opposite side have expressed themselves—and now the Minister himself laying open a door to take some of us into prison, under section 6 of this Act, is making it very clear that not only is the working class going to be the target of this Bill, but the political opposition is also on the list. How soon they will do it, I do not know. There is one aspect of this Bill which must be borne in mind; and I would particularly appeal to my hon. friend Mr. Banatwalla, because he has called this

[Shri George Fernandes]

measure a draconian one and, as usual, he said it very emphatically—not once, but more than oncē. That is why I am making a special appeal to my hon. friend Shri Banatwalla: “Don’t look at this Bill purely as something that is concerned with Assam. Because, if it were concerned only with Assam, it is 3 months to date that it has been in their hands” Now of course, Mr. Banatwalla said: “You are also blowing hot and cold.” There is no question of blowing hot and cold.

Members have talked about the communal situation in Assam. I shall not go into the question as to who initiated the communal situation there. The students have a view on this. And since Mr. Dev has full confidence in the AASU, let me tell him and let me tell the House that the students believe—AASU has, in a statement, declared—that it was Mrs. Gandhi’s visit to Assam which started the communal trouble. (*Interruptions*) The students have said this.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): Don’t make wild allegations here. (*Interruptions*)

SHRI GEORGE FERNANDES: The hon. Member was not present during the debate. I am not calling anybody anti-national. I am only making a statement. The hon. Member Mr. Dev... (*Interruptions*) I did not interrupt anybody. I listened patiently to 16 Members speaking. I did not interrupt. They should have the grace to listen to me. Mr. Dev said that AASU; the students are honourable young people. They know the problem; they are not involved in politics; they are raising an issue about which they feel very strongly and so on and so forth. You may go through the record. I heard him yesterday. Many of you were not

here and particularly the Jr. Minister of Home Affairs was not here. Just now he suddenly got up. You have not heard what he said. He said that AASU is innocent but there are others like Mr. Fernandes who are guilty. The Gana Sangram Parishad is innocent, but there are others in this House and outside who are guilty. That is what he said and that is why I am now quoting him. (*Interruptions*) I am not yielding.

15 hrs.

SHRI ANANDA GOPAL MUKHOPADHYAY (Asansol): But his statement has been misquoted.

SHRI GEORGE FERNANDES: If there is a situation there today, if according to the AASU it is a situation for which the Ruling Party is responsible, then I hope my hon. friends who believe that even though it is a draconian measure, nevertheless, in view of a certain situation that is prevailing there, they need an Act like this, hope they will reconsider their approach to this Bill. This is one aspect of it.

The other aspect of it is that you have a law in your hands for the last three months. The hon. member Shri Ravindra Varma has very rightly questioned this point. He said, “Ultimately what is the use of the law which you are not able to implement?” I asked the hon. Minister yesterday, “How far have you been able to use this law and how effectively?” Ultimately, why do you want to have a law? You want to have a law in order to use it. (*Interruptions*) Professor, you know that I have always been at the receiving end of all your laws and in spite of that I have been able to overcome them and shall always overcome them. For 31 years, I have overcome them and I shall overcome them for the rest of my life also. Do not threaten me with your laws. (*Interruptions*) I have experienced your laws in the

darkest days. I have had handcuffs on me; I have had chains on me. I have experienced your laws in the darkest of days and I am still alive. So, don't threaten me. (*Interruptions*) Therefore, let us not discuss it. You have a law here for the last three months. I am glad that the Senior Minister is also here. He is a very strong man; he speaks in a very strong language. He even talks of chopping the hands. Someone told me—I don't think if I should mention it today; he has also talked about chopping many more people. But I shall not discuss it today. But I would only say that he is a very strong man.

गृह मंत्री (श्री जल सिंह): विदेशियों का हाथ काटने के लिये आपको तकलीफ हुई है?

श्री जार्ज फर्नांडीस: तो क्यों नहीं काट रहे हैं आप ? 6 महीने से क्यों ऐसे बैठते हैं और बोलते हैं?

श्री जल सिंह: जब दिस्साह देगा, काट दूँगे।

श्री जार्ज फर्नांडीस: तो चरमा क्यों नहीं फहनते हैं? यहाँ मेरी शिकायत है सरदार जी, लेकिन आप समझ नहीं पा रहे हैं, मैं क्या करूँ?

PROF. MADHU DANDAVATE (Rajapur): Let him realise that he is in the House and not in the slaughter-house.

SHRI GEORGE FERNANDES: Now the hon. Minister has had this law for the last three months. I asked a very pointed question. My pointed question was to what extent he has been able to use this law? The hon. Junior Minister who had just now intervened in the debate made a very interesting statement yesterday. Obviously, Ministers now-a-days do not do their home-work; perhaps they have had no time for that. He went on saying that this Ordinance was promulgated by the Governor of Assam. Ministers must know the Constitution a little better, but that is

something which the Senior Ministers must take care of; we cannot. So, my point is to what extent have you been able to use this law in order to deal with the situation in Assam? He said, 120 Gazetted Officers and 12 some other people we have suspended there." May I ask the hon. Minister, under what Section have you suspended them? Under what Section? My question was a very pointed one. The record can show it. Under what section? Does this law provide for suspension of officials or employees? This law provides for arresting and imprisoning. In the first place arresting and imprisoning. Where is the suspension under this law? That is one aspect, a point which the hon. Shri Ravindra Verma had made.

The second point is, in three months with all the communal riots about which you spoke, with all the non-supply of essential services about which the hon. Members waxed eloquent, with this law what have you done?

You have only come to-day to enact it into an Act. But this has had the sanctity of a law with the President's Ordinance. It still has it. Where is your strength Mr. Home Minister? Where is your will? Where is your Government that works? Was that a slogan like many other slogans that you gave in the past—the Government that works? Why is it not working in Assam? You went with the curfew. Your Army moved out into the streets. Then the Army withdrew. Understand the situation, do not try to distort it, do not use it for political purpose, understand the problem, understand the situation.

Some hon. Member was concerned because I said that we must have a meeting of all parties to resolve this question and I proposed it at Patna. And he thinks that it is because we are now trying to spread that movement to Bihar and then to Orissa.

[Shri George Fernandes]

He named the States yesterday. We want to help. But where do you want our help? You want to use everything to gain a political point and that is where your trouble is. You may not understand it because many hon. Members sometimes refuse to exercise their right to think. They would only like to be told and would not like to exercise their right to think.

SHRI ANANDA GOPAL MUKHOPADHYAY: Exactly as you were told from GDR.

SHRI GEORGE FERNANDES: It is bad enough to be**

(Interruptions)

MR. CHAIRMAN: That will not form part of the proceedings.

SHRI GEORGE FERNANDES: Therefore, where is the law being applied? Shri Dev, in fact, yesterday came with the finest indictment. (Interruptions)

SHRI SONTOSH MOHAN DEV (Silcher): I am sitting here.

SHRI GEORGE FERNANDES: Thank you. Members are supposed to sit in their seats. I was constantly looking at the point. (Interruptions)

SHRI SONTOSH MOHAN DEV: I hope, I will have an opportunity to reply to it.

SHRI GEORGE FERNANDES: Of course, I hope you will have it and I wish you all the luck. You will need a lot of it. As days pass by, you will need a lot of luck.

Mr. Dev, yesterday, came with the best indictment of the incapacity of this Government, of the non-performance of this Government of the non

governance by his own party. He said, "Telegrams are not reaching, food is not reaching, letters are not reaching." He said, "Mr. Fernandes, try and see if anything reaches there". I am not the Government. They are the Government. Here is the powerful mighty Home Minister. You are the Government. If letters are not reaching, what is your Government doing? If telegrams are not reaching, what is your Government doing? If rations are not reaching, what is your Government doing? If Railway trains are not moving, what is your Government doing?

Here is your document. Do you recognise this document? I do not think anyone of you has read this. This is your manifesto. In this manifesto, you attacked those of us who are sitting here and you said in this that because we were in power for two and a half years, nothing was moving and nothing was happening. What is now happening?

THE MINISTER OF STATE IN THE MINISTRY OF OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): I read your bench-mark speech also.

SHRI GEORGE FERNANDES: That is precisely what I am asking the junior Minister for Home Affairs to do. My speeches will help in educating people like you because you never have a chance to get educated. Please read my speeches.

SHRI P. VENKATASUBBAIAH: I have read your speeches.

SHRI GEORGE FERNANDES: Normally you do not get this opportunity. Whenever you get it, please use it. It will educate you. Sir, I am sorry; I understand that the hon. Minister has just returned from hospital. I apologise; I did not intend to

cause him any inconvenience. I am sorry. I did not know; otherwise, I would not have done it.

SHRI P. VENKATASUBBAIAH:
Thanks for small mercies!

SHRI GEORGE FERNANDES: This party came with this manifesto and said, "Here is a Government that is not working." That is why people voted for you—at least that is what you believe in. Now, what are you doing? Try your luck. You had this law. You have been having this law for the last three months. You have not been able to send telegrams, reach letters, reach provisions and do anything which Mr. Dev would like his own Government to do. Don't complain to us. You are the Government. If the minorities there are being harassed, firstly it is the Government's responsibility to protect the interests of the minorities. What is the Government doing? If as Mr. Dev said, the students are not the ones and it is a few misguided elements who are creating the problem, why are you talking to the students? Why are you talking to the Gana Sangram Parishad? Why don't you call those people who are the misguiding elements and talk to them? I am sure the Government knows who they are. Or, is it, as the Home Minister was to say, that he has so far only seen the hand—which one? This hand?—and he has not yet seen the face? Is that the reason why you are not able to act? I would like the Minister to tell this House. If there are foreign hands, are they waiting for the face to emerge? Well, in this House they have off and on been bandying about this kind of statement and the CIA has been named by the other side. I very often read in the newspapers that correspondence has been exchanged between our Prime Minister and the American President. Has this issue been taken up? In your letters, have you raised this issue with the American President?

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Somebody referred just now to the book by Myron Weiner. "Sons of the soil"—does that phrase hurt the gentlemen on the other side? Since when? Do you know the architects of that phrase in this country? Do you remember their name? Do you know the people who tried to drive out lakhs of innocent people from the streets of Bombay? Do you remember them? Do you know the name of the organisation that tried to project this false and pernicious doctrine of the sons of the soil in this country? Have you forgotten the name of that organisation Shiv Sena?

एक माननीय सदस्य : दोस्त है ।

श्री जार्ज फर्नांडीस : दोस्त ? क्या दोस्ती की बात करते हैं ?

They have an electoral alliance. Shiv Sena which could not get one man on its own in the Maharashtra Assembly have now two people in the Legislative Council. They voted for them. You gave tickets to the sons of the soil theorists, to the architects of that theory. Why bring in poor Myron Weiner or whosoever he is? Why not talk to Bal Thackeray? He will advise you. You have a deal with him now. Have you forgotten Mr. Gundu Rao's statement on 'the sons of the soil'? How suddenly you are concerned about the sons of the soil theory and how Myron Weiner book is used to propagate that theory? You do not need Myron Weiner for that. You have got all of them with you. Why bring foreigners into this? Somebody mentioned Raj Mohan Gandhi's name. He is not a Member of this House. He tried to come to this House but lost from Jabalpur. He is the grandson of Mahatma Gandhi on one side and Rajagopalachari on the other. We may have political differences with Raj Mohan Gandhi and I have mine but that should not take us to a point where a fine citizen of our country gets mentioned as someone who is trying to propagate a pernicious doctrine of

[Shri George Fernandes]

secession in the North-eastern part of India. I am shocked and surprised at the way the hon. Members have been letting go their, shall I say, spleen. They have been attacking individuals. I will quote an Army General, General Bajwa. He wrote an article in the Indian Express a few days ago. I would recommend that you read that article. General Bajwa, who does not indulge in politics, who has nothing to do with politics, says that in Assam the failure is the failure of 30 years of political leadership.

Yesterday, Mr. Sangma, my young friend, waxed very eloquent. I think, he very aggressively waxed eloquent. He said: do you know what is happening in Meghalaya? Mr. Sangma is not here. But I would like to go on record and I hope, Mr. Sangma will go through the record. May I ask him this thing? Does he know that in the Garo Hills, according to the Meghalaya Government or according to the statements made in the Meghalaya Assembly, in the last five years 1.10 lakh non-Garos have come and settled? As against a Garo population of 3 lakh, 1.10 lakh non-Garos have come and settled. He asked yesterday: do you know? I would like to ask him: does he know that in Meghalaya which is one of India's poorest States, poorest among the poor, of the total amount of money that is deposited in the banks by the people of Meghalaya, only 20 per cent of it goes back into Meghalaya for the development of Meghalaya? It is one thing to wax eloquent in this House because you are asked to speak, but understand the aspirations of the people back home there. Do not brush off the Assam problem as a communal question, a linguistic question, a tribal question. The Assam question is not the creation of the Members who are today in the opposition. Why don't you read Jawaharlal Nehru's speeches? Why

don't you read the debates of this House and the other House on the total citizenship question in Assam? It is not a dispute that has come today. But if you are only looking at it to draw some political advantage by attacking Janata or Lok Dal or Lok Dal-Janata and occasionally sniping at RSS and foreign hands, which you are not able to keep on identifying because they are only hands and you are seeing so many hands that you are bound to get confused, if all that you are going to say is that we are responsible for this and forget what actually happened in Assam during the last 33 years, how will you solve the problem of Assam?

Sir, I am often in distress and distress for this reason that here are illustrious men like Pandit Kamla-pathi Tripathi, a man who should know better, a man who should be able to tell his Party that there is more to it than Janta-Lok Dal; that it is not Janata Lok Dal. You may score a political point here because the newspapers are prepared to play it up or you may ask them to give a certain angle. But you are not going to solve the problem. The problem will get accentuated. Therefore, since this Assam question came up in the manner in which it has, I thought the Government would have a different way of dealing with this problem and not to try to find scapegoats. We are prepared to cooperate. You tell us how do you want our cooperation. If all that you are going to say is, they say 51, we say 71, now what? If that is all the cooperation you need, then that is no cooperation. You have a view on Assam and you want to impose it on us. Well, that is not the cooperation. If you want to discuss it, there can be discussion and I think, there is a discussion going on.

Is it not true that the leader of your Party went across the length and breadth of the country damning Janata and Lok Dal as being responsible for the Assam trouble? Is it

not true that the leader of your Party went to Punjab and addressed 13 meetings and in every meeting she delivered a punch line?

आसाम के लोग चाहते हैं कि पंजाबियों को वहां से हटाया जाए। अगर पंजाबियों के हटाये जाने की बात में स्वीकार कर लू तो दूसरे राज्यों से भी हटाने पड़ेंगे लेकिन जबतक मैं रहूंगी इसको स्वीकार नहीं करूंगी-बजाआं ताली।

And get some votes. This is what happened in Punjab, this is what happened across the length and breadth of the country. And then the hon. gentleman now says: "Cooperate with us, help us." So, you will try to draw political mileage of a situation somewhere. In 1973, the hon. Minister who is interrupting, the junior Minister for Defence, was a member of the Party to which I belong. I know like all new converts you have got to be extra patriotic. I think like all new converts to a cause, some of you will have to show your enthusiasm a little more. (Interruptions). I have always been here. You don't understand politics. That is your problem.

THE MINISTER OF STATE IN THE MINISTRY OF DEFENCE (SHRI C. P. N. SINGH): I understand more than you.

SHRI GEORGE FERNANDES: You don't understand politics. That is your problem. I am sorry the hon. Minister, even if he is a junior Minister, should understand politics a little more before getting into such a kind of innuendo.

SHRI C. P. N. SINGH: We have seen seniors like you.

(Interruptions)

SHRI GEORGE FERNANDES: The hon. Minister for Home Affairs brought in the ILO Convention. What does the ILO Convention says? It says about strikes in essential services etc. etc. I also know a little bit of the ILO. I shall not, at the moment, say more than what the Minister knows. But the ILO Convention defines essential services. as

essential services should be defined, not as you are seeking to define them under your definition and I hope the Minister heard me yesterday because he said he has heard all very quietly, and I am sure he had heard me yesterday that under your definition (xiv) of Section 2, from a barber's shop to an eating shop, from a pawn shop to (name the house), it is all essential service. Is it what the ILO Convention says? Why do you try to mislead the House? Or is it ignorance or what is it? Is it ignorance or is it a deliberate attempt to mislead the House? Both ways I am sure the Minister will agree with me that it is not the right thing to do. So, there is no ILO Convention coming in defence of this Bill. This is a draconian measure and since you agreed with half of what Mr. Banatwalla said, I hope you will agree with all that Mr. Banatwalla said in so far as this Bill is concerned. You must have that much of generosity to admit that.

Then, Sir, the hon. Minister also talked about the communal agitation. I have dealt with this point, I shall not go into that point any more. But I would only like to submit that the Government has not come with this Bill to deal with the Assam question. It is a Bill which is concerned with the rights of the working people, particularly their right to strike. It is a Bill which is identical to the Bill that you have enacted in Karnataka where there is no Assam question, where you have your Party in Government. One of the young Members, the Member for Kanpur yesterday said that if this were directed against the working people, he would be with me on this issue. I take him at his word though another point I would like to be on record is that the hon. Member for Kanpur yesterday was to say that 200 workers were killed when the Janata Party was in power in the Swadeshi Mills in Kanpur. This has been a statement that has been

[Shri George Fernandes]

bandied about outside so far. I would like the hon. Home Minister to kindly come forward with the actual facts and find out whether the Member was stating a truth or uttering a lie. I hope the hon. Home Minister in order to safeguard... (Interruptions).

श्री भगवान बंध (अजमेर): आपके कुकर्म तो बहुत प्रसिद्ध हैं।

श्री जार्ज फर्नाण्डिस: आप सारी चीजों पर बहस चलाइए। आप जब कहेंगे, हम तैयार हैं। आप क्यों परेशान होते हैं। जब कहें, जहाँ कहें, हम तैयार हैं।

Therefore, I would like the hon. Home Minister to come out with the real facts in so far as the Kanpur incident is concerned because this has been bandied about in a very loose way by a number of people from the opposite benches.

But, since the hon. Member went on to say that if this Bill were concerned with the working class and their rights he would be with me, I would take him at his word and ask him to come with me to Karnataka where we can oppose the Essential Service (Maintenance) Act which Mr. Gundu Rao's Congress (I) Government has enacted. I hope he will also have no hesitation in condemning the identical ordinances that have been issued in Orissa, Gujarat and Maharashtra. In Maharashtra it was introduced against the united opposition of the working class, and the Government of Mr. Antulay had to beat a hasty retreat and withdraw it and swallow all its pride. That is what the strength of the working class is, and that is what the working class will do.

Some Hon. Members interrupted me yesterday, saying: "Why do you speak and waste time when we have the strength to pass this Bill?" All that I can say is that I know you have the strength, you have also made clear your intentions. Many of you have spoken and said that this is only the beginning. So, we

know your intentions and your capabilities, but no matter what strength you possess today, no matter what arrogance that strength of numbers gives you today. I wish only to warn that this law will be resisted in Assam, it will be resisted in the entire country, that if you try to use this law against the working people, against the people of Assam, it will be the beginning of the end for you. With these words, I once again commend my resolution and oppose the Bill which the Government has come forward with.

THE MINISTER OF STATE IN THE MINISTRY OF HOME AFFAIRS AND DEPARTMENT OF PARLIAMENTARY AFFAIRS (SHRI P. VENKATASUBBAIAH): As we have to take up Private Members' Business at 3.30, this discussion may be carried over to tomorrow, giving it priority over the Demands of the Ministry of Commerce listed for tomorrow.

MR. CHAIRMAN: I shall now put the statutory resolution moved by Shri George Fernandes to the vote of the House.

SOME HON. MEMBERS: We want division on this.

MR. CHAIRMAN: Before I announce the division, I would just read out the instructions because I am told that last time there was some confusion. I would request each Member to make sure that he is sitting in his assigned seat. Each Member is requested to take special care to record his vote *ab initio* correctly as 'Aye' or 'No' or 'Abstention', as the case may be, so that there is no occasion for making corrections.

I may briefly recall that as soon as the automatic vote recording equipment is made active on announcement by the Chair 'Now Division', a gong sounds which is the signal to the Members to cast their votes. Each Member has to press the push switch and then operate one of the three

push buttons i.e. for 'Aye', 'No' or 'Abstention', according to his own choice. The push switch and the push button must be kept pressed simultaneously until the gong sounds for the second time after 10 seconds.

The question is:

"This House disapproves of the Essential Services Maintenance (Assam) Ordinance, 1980 (Ordinance No. 2 of 1980) promulgated by the President on the 6th April, 1980."

The Lok Sabha divided:

Division No. 2] [15.35 hrs.

AYES

Acharia, Shri Basudeb
 Azmi, Dr. A. U.
 Barman. Shri Palas
 Basu, Shri Chitta
 Chakravorty, Shri Satyasadhan
 Chhangur Ram, Shri
 Choudhury, Shri Saifuddin
 Dandavate. Prof. Madhu
 Fernades, Shri George
 Ghosh Goswami, Shrimati Bibha
 Gopalan, Shrimati Suseela
 Halder, Shri Krishna Chandra
 Hannan Mollah, Shri
 Hasda, Shri Matilal
 Horo, Shri N. E.
 Khan, Shri Ghayoor Ali
 Mahata, Shri Chitta
 Mandal, Shri Dhanik Lal
 Mandal, Shri Mukunda
 Mandal, Shri Sanat Kumar
 Mehta, Prof. Ajit Kumar
 Mhalgi, Shri R. K.

Misra, Shri Satyagopal
 Modak. Shri Bijoy
 Mundackal, Shri George Joseph
 Muzaffar Hussain, Shri Syed
 *Parulekar, Shri Bapusaheb
 Paswan, Shri Ram Vilas
 Rajda, Shri Ratansinh
 Ram Kinkar, Shri
 Riyan, Shri Baju Ban
 Roy, Shri A. K.
 Roy, Dr. Saradish
 Shaykya, Shri Ram Singh
 Shastri, Shri Ramavatar
 Shejwalkar, Shri N. K.
 Thomas, Shri Skariah
 Tirkey, Shri Pius
 Varma, Shri Ravindra
 Zainal Abedin, Shri

NOES

Abbasi, Shri Kazi Jalil
 Ankineedu Prasad Rao, Shri P.
 Ansari, Shri Z. R.
 Anuragi, Shri Godij Prasad
 Azad, Shri Ghulam Nabi
 Baitha, Shri D. L.
 Bajpai, Dr. Rajendra Kumari
 Banatwalla, Shri G. M.
 Barot, Shri Maganbhai
 Behera, Shri Rasabehari
 Bhagat, Shri H. K. L.
 Bhatia, Shri R. L.
 Bhoi, Dr. Krupasindhu
 Birbal, Shri
 Birender Singh Rao, Shri
 Brijendra Pr Singh, Shri
 Chandra Shekhar Singh, Shri
 Charanjit Singh, Shri

*He voted by mistake from a wrong seat and later informed the Speaker accordingly.

Chavan, Shri S. B.

Chavda, Shri Ishwarbhai Khodabhai
Choudhari, Shrimati Usha Prakash

Chouhan, Shri Fatehbhan Singh

Daga, Shri Mool Chand

Dalbir Singh, Shri

Das, Shri A. C.

Dennis, Shri N.

Dev, Shri Sontosh Mohan

Dhandapani, Shri C. T.

Digvijay Singh, Shri

Dubey, Shri Bindeshwari

Era Mohan, Shri

Faleiro, Shri Eduardo

Fernandes, Shri Ascar

Gadgil, Shri V. N.

Gamit, Shri Chhitubhai

Gireraj Singh, Shri

Gomango, Shri Giridhar

Jha, Shri Kamal Nath

Kailash Patil, Shrimati

Kaul, Shrimati Sheila

Khan, Shri Arif Mohammad

Khan, Shri Malik M.M.A.

Krishan Dutt, Shri

Kuchan, Shri Gangadhar S.

Kunwar Ram, Shri

Kusuma Krishna Murthy, Shri

Laskar, Shri Nihar Ranjan

Mahala, Shri R. P.

Mallu, Shri A. R.

Mane, Shri R. S.

Mani, Shri K. B. S.

Mishra, Shri Gargi Shankar

Mishra, Shri Harinatha

Misra, Shri Nityananda

Mukhopadhyay, Shri Ananda Gopal

Murthy, Shri M. V. Chandrashekara

Murugian, Shri S.

Nagina Rai, Shri

Nihal Singh, Shri

Nikhra, Shri Rameshwar

Panday, Shri Kedar

Pandey, Shri Krishna Chandra

Panigrahi, Shri Chintamani

Parashar, Prof. Narain Chand

Patel, Shri Ahmed Mohammed

Patel, Shri C. D.

Patil, Shri A. T.

Patil, Shri Chandrabhan Athare

Potdukhe, Shri Shantaram

Pradhani, Shri K.

Rahim, Shri A. A.

Raju, Shri P. V. G.

Ranga, Prof. N. G.

Rao, Shri M. Nageswara

Rao, Shri M. S. Sanjeevi

Rao, Shri M. Satyanarayan

Rao, Shri P. V. Narasimha

Raut, Shri Bhola

Reddy, Shri K. Vijaya Bhaskara

Reddy, Shri Ram Gopal

Reddy, Shri P. Venkata

Sangma, Shri P. A.

Sethi, Shri Arjun

Shakyawar, Shri Nathuram

††Shamanna, Shri T. R.

Sharma, Shri Kali Charan

Sharma, Shri Mundar

Sharma, Shri Naval Kishore

Shastri, Shri Dharan Dass

Shingda, Shri D. B.

Shiv Shankar, Shri P.

Singh, Shri C. P. N.

Sinha, Shrimati Ramdulari

Stephen, Shri C. M.

Subba, Shri P. M.

Sukhadia, Shri Mohan Lal

Sukhbuns Kaur, Shrimati

Suryawanshi, Shri Narsing

Tayeng, Shri Sobeng

Tayyab Hussain, Shri

Thakur, Shri Shivkumar Singh

Thorat, Shri Bhausaheb

Tripathi, Shri Kamalapati

Varma, Shri Jai Ram

Venkatasubbaiah, Shri P.

Verma, Shrimati Usha

Virbhadr Singh, Shri

Yadav, Shri Ram Singh

Zainul Busher, Shri

MR. CHAIRMAN: Subject to correction, the result** of the division is: Ayes:40; Noes:109. The 'Noes' have it; the 'Noes' have it.

The motion was negatived.

MR. CHAIRMAN: Shall we take up the consideration motion of the Bill?

SHRI P. VENKATASUBBAIAH: If the House permits, we can at least take up the consideration motion of the Bill.

MR. CHAIRMAN: We are trying to correct the voting figures. Instead of just sitting quietly, we can make use of the time that is available to us for that.

SHRI GEORGE FERNANDES: It is already past 3-30 P.M. There is the Private Members' business to be taken up now.

MR. CHAIRMAN: I will not trespass upon the Private Members' business time.

SHRI GEORGE FERNANDES: Let us take up the Private Members' business.

MR. CHAIRMAN: We will take up the Private Members' business now.

**The following Members also recorded their votes:

YES: Sarvashri R. L. P. Verma, Satyanarayan Jatta, E. Balanandan, Kumbha Ram Arya, Trilok Chand, D. B. Singh, Shiv Sharan Verma, Dinen Bhattacharya, Bhogendra Jha and T. R. Shamanna;

NOES: Sarvashri Zail Singh, R. Y. Ghorpade, Madhusudan Vairale, P. Rajagopal Naidu, Chingwang Konyak, Keshorao Pardhi, Ranabir Singh, R. Muthu Kumaran, B. Devarajan, A. Senapathi Gounder, S. A. Dorai Sebastian and Girdhari Lal Vyas.

We will take up the rest of the business regarding this Bill tomorrow.

SHRI P. VENKATASUBBAIAH: What I suggested was that at least the consideration motion be taken up today. It will not take more than two minutes.

MR. CHAIRMAN: We will take it up tomorrow. We have to take up the Private Members' business now.

SHRI KRISHNA CHANDRA HELDER (Durgapur): Sir, you are taking up the non-official business at 3-40 p.m. So, I request you to extent it by 10 minutes beyond 6 O'Clock.

MR. CHAIRMAN: I shall have no objection if the House wants to sit for 10 minutes more. I shall have no objection to that.

COMMITTEE ON PRIVATE MEMBERS BILLS AND RESOLUTIONS

THIRD REPORT

SHRI T. R. SHAMANNA (Bangalore South): I beg to move:

"That this House do agree with the Third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 2nd July, 1980."

MR. CHAIRMAN: The question is:

"That this House do agree with the Third Report of the Committee on Private Members' Bills and Resolutions presented to the House on the 2nd July, 1980."

The motion was adopted.